### Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 1 of 383

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA.

Pamil.

WALKER RIVER PAILITE TRIBE.

Plaintiff-Intervenor.

VS.

WALKER RIVER IRRIGATION DISTRICT. a comporation, et al...

Defendants.

N EQUITY NO C-125-ECR Subproceeding: C-125-B

FIFTH REPORT OF THE UNITED STATES OF AMERICA CONCERNING STATUS OF SERVICE ON CERTAIN PERSONS AND ENTITIES

The United States of America ("United States"), on behalf of itself and the Walker River Parute Tribe. "Tribe"), submits the following information related to its service efforts on persons and entities subject to service under the \*Case Management Order\* (Apr. 18, 2000) ("CMO"). As set forth in this pleading, the United States asks the Court to approve pertain service efforts, to amend the caption related to this phase of service, to make corrections and additions, and, in some instances, to take no action at this point as service efforts are continuing. The instant filing focuses on a portion of those persons and entities subject to service under Paragraph 3.a. of the CMO.

This is the Effh such filing that the United States has made in this action. The United States also filed its Found Separt of the Chica i States of America Concerning Status of Service.

. 7- 33-8: 7 ftd Sammae Kenam PLACED UNDER SEPARATE COVER

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#### Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 2 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

1 .	Dino Ricin	
Date: 3 20 65	Signature Denvis Accian	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify the	hat you are
	acting as:	of
	Denus ALINDA Acciai	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu o Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked be a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beathe cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in a court of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

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-			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.		
4	Plaintiff.		
5	WALKER RIVER PAIUTE TRIBE.   IN EQUITY NO. C-125		
6	Plaintiff-Intervenor, SUBFILE NO. C-125-B		
7	vs.		
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,		
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE		
11	t Thereign and the state out and the state of the state o		
12	1. I hereby enter my appearance in this sub-proceeding in this case.		
13	2. I am filing this document with the District Court at the following address:		
14	Chief Deputy Clerk United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu		
17	Summons. I am mailing a copy of this document to:		
18	Susan L. Schneider Attorney for the United States of America		
20	United States Department of Justice Environment & Natural Resources Division		
21	P.O. Box 756 Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection		
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe-		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represer		
25	me in these proceedings. I identify that attorney below, along with his or her mailing address		
27	telephone number, and facsimile number:		
23			
	MOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2		

3:73	-cy-00127-MMD-WGC Docume	nt 650 Filed 05/09/05 Page 4 of 38
1	Attorney:	
2		
3	Address:	
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6	Phone Number:	
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8		(Signature)
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11		(Printed or typed Name)
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14		(Entity, if any, on whose
15		behalf you are appearing)
16		P. O. B. x 36
17		Sm th New 79430
18		(Address) 775-465-2358
19		(Telephone number)
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#### Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 5 of 383

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/20/05

Signature/

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu o Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beathe cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has beer brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

of

### Case 3:73-cv-00127-MMD-WGC Document 650 Filed-05/09/05 Page 6 of 383

-			
2	IN THE UNITED STATES D FOR THE DISTRICT O	DISTRICT COURT OF NEVADA	
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff.	)	
5	WALKER RIVER PAILTE TRIBE.	) IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7		) }	
8	VS.	į	
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	}	
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11	<ol> <li>I hereby enter my appearance in this sul</li> </ol>	b-proceeding in this case.	
12	<ol> <li>I am filing this document with the Distr</li> </ol>		
13	Chief Deputy Clerk		
14	United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of n	ny Waiver of Service of Notice in Lieu (	
17	Summons. I am mailing a copy of this document to:		
13	Susan L. Schneider		
19	Attorney for the United States of Ameri		
20	Environment & Natural Resources Divi P.O. Box 756	sion	
21	Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am act		
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect		
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26	me in these proceedings. I identify that attorney below, along with his or her mailing addres		
27	telephone number, and facsimile number:		
28			
	NOTICE OF APPEARANCE AND INTENT TO PART	ICIPATE, page 1 of 2	

#### Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 7 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 8 of 383

<b>O</b> ut	**************************************	NGC Document 650 Filed 05/09/05 Page	
2	BIBLE HOY & TRACHOK Michael D. Hoy (NV Bar 2723; CA Bar 133244 201 West Liberty Street, Third Floor Reno, Nevada 89511 775.786.8000 (voice) 775.786.7426 (fax) Attorney for: Richard T. Adams and Gregory Burte	4) 72 FEB 23 AM 10: 3	
BIBLE TRACHOK  2	United Un	ed States District Court District of Nevada  In Equity No. C-125-ECR Subfile No. C-125-B  Notice of Appearance and Intent to Participate  Pereby enters its appearance on behalf of Counterdefendants egory Burton Adams (collectively "Adams"). Pursuant to eby waives service of a summons, retaining objections to verience that the property of the proper	}
	24 25 26 27 28		hibit 3 khibit 4

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 9 of 383

	Jase 3.73-64-00 127-141141D-44GC D04	cument obti Filed 05/09/05 Page 8 of 5	
	Certificate	of Service	
1 1	at copy of the foregoing 1000		
. \	I certify that I have sent a true and thereon, on February 24,		
2	The states wing United States Mail, a	all charges pro-	
3	and Intent to Participate Via		
<b>.</b> 4	2005, addressed to:  Susan L. Scheider United States Department of Justice Environmental & Natural Resources Division P.O. Box 756 Littleton, Colorado 80160 Shirley A. Smith Asst. U.S. Attorney 100 W. Liberty, Suite 600 Reno, Nevada 89501  George Benesch 210 Marsh Avenue, Suite 105 P.O. Box 3498 Reno, Nevada 89505  Jim Weishapt, General Manager Walker River Irrigation District P.O. Box 820 Yerington, Nevada 89447  James T. Markle State Water Resources Control Board P.O. Box 100 Sacramento, California 95814  John Kramer Department of Water Resources 1416 – 9th Street Sacramento, California 95814  Ross E. deLipkau Marshail Hill Cassas & deLipkau P.O. Box 2790 Reno, Nevada 89505	Linda Lea Sharer, Chief Deputy Clerk USDC for The District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501  Robert L. Hunter, Superintendant Western Nevada Agency Bureau of Indian Affairs 1677 Hot Springs Road Carson City, Nevada 89706  R. Michael Turnipseed, P.E. Division of Water Resources State of Nevada 123 West Nye Lane Carson City, Nevada 89710  David E. Moser McCutchen Doyle Brown & Enerson Three Embarcadero Center San Francisco, California 94111  John P. Lange, Dept. of Justice Environmental & Natural Resources Division 999 18th Street, Suite 945 Denver, Colorado 80202  Roger Johnson Water Resources Control Board State of California P.O. Box 2000 Sacramento, California 95810  Garry Stone 290 S. Arlington Ave. Reno, Nevada 89501	
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## Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 10 of 383

	**************************************	
2 F 2 2 3 I 4 1	Reno, Nevada 675	Linda A. Bowman 499 West Plumb Lane, Suite 4 Reno, Nevada 89509  Robert C. Anderson/Timothy Lukas Hale Lane Peek, et al. P.O. Box 3237 Reno, Nevada 89505  Donald B. Gilbert DeCuir & Somach PC 400 Capitol Mall, Suite 1900 Sacramento, California 95814-4407  Larry Reynolds Deputy Attorney General State Engineer's Office 123 W. Nye Lane Carson City, Nevada 89710  John Davis P.O. Box 1646 Tonopah, Nevada 89049
20 2 2 2		Martha Ellis
	28	- 3 -

## Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 11 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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5 I (or the entity on whose behalf the chiections base	d on a defect in the Notice in Lieu of
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Summons or in the service of the	11/1000000 -

Date: 11-15-04

E. Richard Thomas

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: President of (Title)

Ha Heritace Development Inc.

(Corporate, Trust, Partnership or other entity)

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Date: 3-1-05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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18	Susan L. Schneider		
19	Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division		
20	P.O. Box 756 Littleton, Colorado 80160		
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2:	tion of Summons or in the service of the Notice in Lieu of Summons.		
2	rest ( ) where he half I am acting have retained an attorney to represent		
2			
2	1 Caralina il a mumb ovi		
2	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2		
	NOTICE OF APPEARANCE AND INTENT TO FARTITUTE		

## Case 3:73-cv-00127-MMD-WGC Document 650 Filed-05/09/05 Page 14 of 383

1	Attomey:	
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3	Address:	
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6	Phone Number:	
7	Fax Number:	Carshia Alazi
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9		(Signature) 3-1-05
10		Cynthia J Din 22:
11   12		(Printed or typed Name)
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14		
		(Entity, if any, on whose
15 16		behalf you are appearing)
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18		(Address)
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#### Case 3:73-cv-00127-MMD-WGC Document 650 Filed-05/09/05 Page 15 of 383

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Date: 3 - 1 - 05	Signature R. A. A. A. 22)	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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1			
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3	UNITED STAT	ES OF AMERICA,	
4	F	Plaintiff,	) )
5	WALKER RIV	ER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7		ranting-intervenor,	)
8	VS.		) )
9	WALKER RIV a comporation, e	ER IRRIGATION DISTRICT, tal.,	) )
10	NO	OTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11			
12	1. I	hereby enter my appearance in this sub	p-proceeding in this case.
13	2. 1	am filing this document with the Distr	ict Court at the following address:
14	(	Chief Deputy Clerk United States District Court for the	
15		District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16 17	3.	In the envelope provided for return of $\pi$	ny Waiver of Service of Notice in Lieu of
18	Summons, I am	mailing a copy of this document to:	
19		Susan L. Schneider Attorney for the United States of Ameri	ca
20	1	United States Department of Justice Environment & Natural Resources Divi	
21		P.O. Box 756 Littleton, Colorado 80160	
22	4.	I (or the entity on whose behalf I am act	ting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If	I (or the entity on whose behalf I am act	ing) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below, along with his or her mailing address,		
27	telephone number, and facsimile number:		
28			

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 17 of 383

1	Attomey:	
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3	Address:	
4	•	
5		
6	Phone Number:	
7	Fax Number:	✓ ~ a`
8		(Signature)
9		(Signature)
10		
11		CAVY R. A1A221
12		(Printed or typed Name)
13	,	3-1-05
14		(Entity, if any, on whose
15		behalf you are appearing)
16		
17		(Address)
18		(2 5 6 6 6 7 6 7 7 7 7 7 7 7 7 7 7 7 7 7 7
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### Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 18 of 383

A.P.N. 10-581-22 & 21 Escrow No.: LY-302205-DA - LY-302205A-DA

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$474.50, computed on full value of property conveyed.

GRANT, BARGAIN, SALE DEED

or Trustee of the Edward A. Andrews Trust in consideration of \$10.00 Dollars,

the receipt of which is hereby acknowledged coles) hereby Grant, Bargain, Sell and Convey to Kathy S. Blackford, An

a Single Woman

Lyon, State of Nevada, bounded and described as follows: The strick Worth blo all that real property with

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

nto belonging or in anywise appertaining. Together with all singular the tenements, hereditaments and appurtenances t

Dated: 12-16-02

Edward A. Andrews Trust

CALIFOANIA STATE OF NEVADA

COUNTY OF DRANGE )

On Dea, 16, 2002 personally appeared before me, a Notary Public, Thomas E,

WHEN RECORDED MAIL TO: Kathy S. Blackford 407 Pleasant Hill Lane Sierra Madre, CA 91024

KATHRYN A. FLANIGAN Commission # 12/7278 Notary Public - California Orange County

Exhibit 8

·· THIS IS AN UNOFFICIAL COPY \*\*\*

## Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 19 d

#### LY-302205-DA

#### EXHIBIT "A" ATTACHED TO DEED

#### EXHIBIT "A"

All that certain real property situate in the county of Lyon, State of Nevada, described as follows:

All that certain real property being a portion of the North 1/2 of the Southwest 1/4 of Section 27, Township 11 North, Range 24 East, M.D.B.&M., Lyon County, Nevada described as follows:

Parcel 2 as shown on the Parcel Map for Church of Latter-Day Saints, recorded in the Official Records of Lyon County, Nevada on October 21, 1994 as Document No. 176235.

#### Parcel B:

All that certain real property being a portion of the North 1/2 of the Southwest 1/4 of Section 27, Township 11 North, Range 24 East, M.D.B.&M., Lyon County, Nevada described as follows:

Parcel 3 as shown on the Division of Land into Large Parcels Map for Garmsland Limited, L.L.C., recorded in the Official Records of Lyon County, Nevada, on February 22, 1996 as Document No. 190423.

TOGETHER WITH ALL WATER AND WATER RIGHTS APPEARTENANT TO THE HEREIN DESCRIBED PROPERTY.

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 20 of 383

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

## Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, TO: Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
  - 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAJUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
    - 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
    - 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

or to the jurisdiction of votage of the Notice Summons or in the service of the Notice	e in Lieu of Summons.
Summons of a	
Date: 12-17-04	Signature Chichestor
Date	Printed/Typed Name  If you are acting on behalf of any entity, identify that you are of
	acting as:/
	(Title) Water Company
	(Corporate, Trust, Partnership or other entity)

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been the cost of such service unless good cause be shown for its failure to sign and return the waiver. response to a familie to warve service that a party believes that the claims of the opposing parties are unfounded, or that the action has been used in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service ight in an improper place of in a court mat tacks jurisdiction over the subject matter of the action of over its person of property. A party who warves service in Lieu of Summons or to the service of the Notice in Notice in Lieu of Summons or to the service of the Notice in Notice in Lieu of Summons or to the service of the Notice in Notice in Lieu of Summons or to the service of the Notice in Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Notice in Lieu of Summons or to the service of the Notice in Notice in Lieu of Summons or to the service of the Notice in Notice in Lieu of Summons or to the service of the Notice in Notice in Lieu of Summons or to the service of the Notice in Noti

of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought. unumons), and may rater object to the jurisdiction of the court of the me prace where the action has been blought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

#### Case \$:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 22 of 383 Attorney: Address: Phone Number: Duran Checke Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) Antelope Valley Mutual Water C P.O. Box 43, Topaz, CA 96133 (Address) 530-495-2114 (Telephone number) 2.8

#### Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 23 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/10/25

Date: 3/10/25

Signature

MARK N. ARRIGHT & DEBORAH F. ARRIGHI

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons retains all defenses and objections).

of Summons), and may later object to the jurisdiction of the court or to the place where the action has been broads

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the canonice of appearance and intent to participate.

Exhibit 10

with

#### Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 24 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/11/05

Signature

DONAL A BALAAM

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

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### Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 25 of 383

ı		
2	IN THE UNITED STATES I FOR THE DISTRICT (	DISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	)
4	Plaintiff,	
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	)
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	I hereby enter my appearance in this su	b-proceeding in this case.
12	2. I am filing this document with the Dist	rict Court at the following address:
13 14	Chief Deputy Clerk United States District Court for the	
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16		my Waiver of Service of Notice in Lieu of
17	Summons. I am mailing a copy of this document to:	
18	Susan L. Schneider	
19	Attorney for the United States of Amer United States Department of Justice	
20	Environment & Natural Resources Div P.O. Box 756	rision
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am ac	cting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the co	urt except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of	the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am ac	ting) have retained an attorney to represent
26	me in these proceedings, I identify that attorney belo	w, along with his or her mailing address,
27	telephone number, and facsimile number:	
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## Case 3:73-cv-00127-MMD-WGC Document 650 Filed-05/09/05 Page 26 of 383

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8		(Signature)
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10		DONALD A. BALAAM
11		(Printed or typed Name)
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14		(Entity, if any, on whose
15		behalf you are appearing)
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17		(Address) NV 89447
18		(775) 463-2041
19		(Telephone number)
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#### Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 27 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 5-11-05

Signature

Marie Balaan

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service. Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in a of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 28 of 383

- 11		
2	IN THE UNITED STATES D FOR THE DISTRICT C	ISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA,	)
4	Plaintiff,	<u> </u>
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	) )
8   9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	i this cu	h proceeding in this case
12	1. I hereby enter my appearance in this su	
13	2. I am filing this document with the Distr	net Court at the following address.
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of r	my Waiver of Service of Notice in Lieu of
17	Summons. I am mailing a copy of this document to:	
18	Susan L. Schneider	<del>ri</del> ca
19	Attorney for the United States of Amer United States Department of Justice Environment & Natural Resources Div	
20	P.O. Box 756 Littleton, Colorado 80160	••••
21	11.	cting) will retain all defenses or objections
22	to the lawsuit or to the jurisdiction or venue of the co	
23	in the Notice in Lieu of Summons or in the service of	
24	-	eting) have retained an attorney to represent
25		
26	me in these proceedings, I identify that attorney belo	m, along with mo or not maning tooloog
27	telephone number, and facsimile number:	
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	NOTICE OF APPEARANCE AND INTENT TO PAR	TICIPATE, page 1 of 2

## Case 3:7 3-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 29 of 383

1	Attorney:	
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3	Address:	
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6	Phone Number:	4
7	Fax Number:	Marie Rilaam
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9		(Signature)
10		MARIE BALAAM
11		(Printed or typed Name)
12		(Classes of Special Control of the C
13		
14		(Entity, if any, on whose
15		behalf you are appearing)
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17		(Address) Ton, NV 89447
18		(775)463-2041
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A.P.N. # 10-711-22	BLCOUGH KERINESIERS, - 2010
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STEWART TITLE COMPANY	
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GRANT, BARGA	IN, SALE DEED
THIS INDENTURE WITNESSETH: That BANMER, EUSBAND AND WIFE	G. BANKER AND CYNTHIA R.
in consideration of \$10.00, the receipt of which is here and Convey to BRIAN S. CHRISTOF AND	by acknowledged, does hereby Grant, Bargain Sell KATHLEEN M. BECKIUS
and to the heirs and assigns of such Grantee forever, al County of Lyon  SEE EXHIBIT "A" ATTACHED HE  Together with all and singular the tenements, hereditar anywise appertaining, and any reversions, remainders,	RETO AND MADE A PART HEREOF ments and appurtenances thereunto belonging or in
DATE: August 12, 2003	DE D. Durn DAVID G. BAMMER
	CANTHIA R. BANNER
STATE OF Levach	L. HENDRICK Notary Public - State of Nevsule Appointment Recorded in Douglas County Not. 93-2710-4 - EXPENSE APPUL 90, 9008
This instrument was acknowledged before me on by DAVID G. BAMMER and CYNTHIA R	9-8-03
BAMMER	
Signature / Signature	<u> </u>
Molary Public (One inch margin on all	ides of document for Recorder's Use Only)

Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 31	of 383
--	--------

This instrument was acknowledged before	me on <u>Sept 11, 2003</u> ,
CRYSTAL PADILLA NOTARY PUBLIC STATE OF NEVADA COMMISSION NO. 20-64618-12 Corrm. Expires June 12, 2004	Notary Public 304188

#### EXHIBIT 'A'

The land referred to herein is situated in the State of Nevada, County of Lyon, described as follows:

All that certain real property being a portion of the NE 1/4 of the NW 1/4 of Section 12, T 10 N, R 23 E, M.D.B. & M., Lyon County, Nevada, described as follows:

Parcel 2, as shown on the Parcel Map for F. M. Fulstone, Inc., recorded in the Official Records of Lyon County, Nevada, on December 7, 1995, as Document No. 188071.

ASSESSOR'S PARCEL NO.: 10-711-22

\*TOGETHER WITH all water and water rights, ditch or ditch rights and other rights to water, of any nature whatsoever, appurtenant to the property.

					1		お 注 也   P				Lyon County No.	10-711-22
Name;	Brian S. Christof Kathleen M. Beck	Brian S. Christof Kathleen M. Becklus			!		THE TO		ACA PLAN ACA ACA ACA ACA ACA ACA ACA ACA ACA A	Claim No	Claim No.	as
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DOCUMENT HISTORY:	JRY:											Doo
DOCUMENT #		DATE	DESCRIPTION	Z.								
#		04/21/87	Per closir	ng agreem	Per closing agreement between F.	.M. Fulstone, Inc.	nc. & F.I.M. Corp.					
#106980		04/21/87	F.I.M. Coi	rp. to F.M.	F.I.M. Corp. to F.M. Fuistone, Inc.							
#106984		04/21/87	F.I.M. Co	rp. to F.M.	F.I.M. Corp. to F.M. Fulstone, Inc.							
#107029		04/21/87	F.M. Fuis	ione, inc. i	F.M. Fuistone, Inc. to F.I.M. Corp.							
#107030		04/21/87	F.M. Fuls	tone, Inc. 1	F.M. Fulstone, Inc. to F.I.M. Corp.							
<b>1</b>		08/12/87	Provision	al index c	ard until Claim	#3 is amended	ace	of use.				
#00		06/12/87	Water Ca	rd Index#	's 201, 430, 48!	Water Card Index #'s 201, 430, 489, 489-C, & 602 abandoned.	abandoned.					
#133306		03/01/90	Storage	Water Tran	sfer form F.M.	. Fulstone, Inc.	Storage Water Transfer form F.M. Fulstone, Inc. to F.I.M. Corp., final adjustment to closing memorandum.	inal adjustmen	t to closing mem	orandum.		
#188017		12/07/96	Parcel M.	ap of APN	Parcel Map of APN 10-711-17 for F	F.M. Fulstone, h	F.M. Fulstone, Inc. (New parcels 10-711-22 & 10-711-23, 12 acres total)	10-711-22 & 1	0-711-23, 12 acre	s total).		
#210944		10/10/97	F.M. Fuls	tone, Inc.,	a Nevada Con	poration to Dav	F.M. Fulstone, Inc., a Nevada Corporation to David G. & Cynthia R. Bammer, Husband & Wife as Joint Tenants	R. Bammer, Hu	sband & Wife as	Joint Tenani	<b>.</b>	0
		00/48/03	David G.	& Cynthia	R. Bammer, h	usband and wif	David G. & Cynthia R. Barnmer, husband and wife to Brian S. Cristof & Kathleen M. Beckius	stof & Kathleer	ת. Beckius			- 1

TION DISTRICT

WALKER RIVER

Division #:

Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 34 of 383

UFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY

APN 12-071-23 Document Transfer Tax \$253.50

Title Service & Escrow Co.

Mail Tax Bill to Grantee: 134 HIGHWAY 208 YERINGTON, NEVADA 89447

THIS I AN UNCERTICIAL COPY ""

MARY C. HILLIGAN COURTY RECORDER

SPACE ABOVE FOR RECORDER'S USE ONLY

RAN, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

SYLVIA J. BANTA, a widow

does hereby GRANT, BARGAIN and SELL TO

WARREN G. RUNNERSTROM and RHETA M. RUNNERSTROM, husband and wife as Joint Tenants with the Right of Survivership

all that certain real property being a portion of NW 1/4 of NW 1/4 of Section 26, T 13 N, R 25 B, M.D.B.&M., Ly R County, Nevada, described as follows:

Parcel B, as shown on the Parcel Map for Ronald T Banca, recorded in the Official Records of Lyon County, Nevada, on December 7, 1993 as Document No. 166799.

TOGETHER WITH all tenements, hereditaments and appurt pances thereunto belonging or in anywise appertaining, and any re-ersion, remainders, rents, issues or profits thereof.

DATED AUSGAST 20, 2003

302574

THIS IS AN UNCERTURE YOF I

COUNTY OF LYON )

ONNERED 20, 2003 personally appeared before me, Notary Public (or Judge or other authorized Tyrson, as the case may be), SYLVIA J BALTA who acknowledged to me that she executed the within instrument.

Notarry Public - State of Nevents

Appointment Recorded in Lyon County

Not 02-78325-12 - Expires May 14, 2008

300 hr

### Case 3:73-cv-00127-MMD-WGC Document 650 File d 25/ըթ/05 Page 36 of 383

LYON COUNTY, NEV. RECORD REQUESTED BY

WESTERN TITLE CO. INC. 04 JUN -2 PH 4: 11

MARY C. HILLIGAN COUNTY RECORDER

A.P.N.:

12-031-9504

File No:

142-2122912 (NMP)

R.P.T.T.: \$799.50

When Recorded, Mail Tax Statements To: William L. Hawhee and Dianne P. Hawhee 834 W. Bridge Street Yerington, NV 89423

#### GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

James D. Bednark, a married man as his sole and separate property

do(es) hereby GRANT, BARGAIN and SELL to

William L. Hawhee and Dianne P. Hawhee, husband and wife as joint tenants with right of survivorship the real property situate in the County of Lyon, State of Nevada, described as follows:

See Exhibit "A"

Subject to

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 03/29/2004

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 37 of 383

James	D. Bednud		-		
James D. Ber	_				
	blorato				
STATE OF	NEVADA	)			
Γ	muel	: 56.			
COUNTY OF	BOUGLAS-	)			
This instrument D. Bednark, a	was acknowledge married man as	d before me on his sole and s	eparate prop	perty.	оу дате
1900	Name of Substant	<u>~~</u> `			
	Notary Public	t for Committee in	a Cuniras 12/	16/9007	
(My commission	n expires:	My Commission	IN EXDINGS 12	10.2.00	
<b>V</b>				- :- #-1- D-	ad dated Manch 50
This Notary Ad 2004 under Es	unowledgement is a crow No. 142-212	ottached to that 12912	certain Grant,	, Bairgain Sale De	ed dated March 29,

SEAL AFFIXED

#### LEGAL DESCRIPTION

A parcel of land in the Northwest 1/4 of Section 22 and Northeast 1/4 of Section 21, Township 13 North, Range 25 East, Mount Diablo Meridian, bounded and described as follows:

Commencing at the NW corner of said Section 22, marked by a standard Bureau of Land Management pipe and brass cap, from which the North 1/4 corner of said Section 22 bears South 89°25'24" East; thence South 00°43'43" West, 1313.83 feet to the NW corner of the South 1/2 of the NW 1/4 of said Section 22, marked by a 5/8" rebar and cap marked PLS 10596, set per Map File No. 192614, Lyon County Official Records, Yerington, Nevada; thence South 00°44'56" West, 582.68 feet to a point on the Westerly line of said Section 22 marked by a 5/8" rebar with cap marked PLS 6200, per Map File No. 172217, Lyon County Official Records, the point of beginning; thence around the parcel as follows:

South 89°41'09" West, 17.46 feet; thence South 08°29'55" West, 125.44 feet; thence South 00°32'08" East, 121.26 feet; thence South 79°27'02" East, 32.12 feet to a point on the Westerly line of said Section 22; thence along said Westerly line, South 00°44'57" West, 433.92 feet; thence South 89°26'34" East, 354.64 feet; thence North 10°49'50" East, 86.64 feet; thence North 13°55'52" West, 118.08 feet; thence North 41°09'51" West, 265.61 feet; thence North 07°29'00" West 189.66 feet; thence North 05°28'41" East, 102.18 feet; thence South 89°41'09" West, 143.74 feet to the point of beginning.

Legal Description appeared previously in Document No. 320471, recorded on May 13, 2004, Official Records of Lyon County, Nevada.

This instrument was acknowledged before me on the THEODORE W. BEILKE and INES BEILKE and ALFRED J. SPIGARELLI and DOROTHY

STATE OF

COUNTY OF\_

at and object to the

Notary Public

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 40 of 383

State of California County of Orange J

On APPLIA 3, 2003 before me Down Hoxenson's Notary Public, personally appeared ALPHONT. & TOWN SPIGNELLI who proved to me ont the basis of satisfactory evidence to be the Person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(les), and the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal



TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

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<b>U</b> asc 3.13				I IICU UU/U	3/03 i age -	
	- martin 114 .				<u> </u>	

A.P.N. # 010-081-27

153.40 R.P.T.T.S (30800246 ESCROW NO. Full Value

7024633524

RECORDING REQUESTED BY: STEWART TITLE COMPANY WHEN RECORDED MAIL TO: MAIL TAX STATEMENTS TO:

GEANTEE 1435 SALLY LANE GARDNERVILLE, NV. 89410

### GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That THEODORE W. BEILKE AND INES BEILKE, BUSBAND AND WIFE, AS TO AN UNDIVIDED 50% INTEREST AND ALFRED J. SPIGARELLI AND DOROTHY SPIGARELLI, HUSBAND AND WIFE, AS TO AN UNDIVIDED 50% INTEREST

in consideration of \$10.00, the receipt of which is hereby acknowledged, does hereby Grant, Bargain Sell and Convey to

EVANGELISTA AND LAURIE L. EVANGELISTA, HUSBAND AND WIFE AS JOINT TENANTS

and to the heirs and assigns of such Grantee forever, all that real property situated in the County of Lyon State of Nevada, bounded and described as follows: SHE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

"THIS DOCUMENT, EXECUTED IN COUNTERPART, IS BEING RECORDED AS ONE DOCUMENT"

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues or profits thereof.

March 24, 2003 DATE:

> THEODORE W. BEILKE INES BRILKE ALFRED J. SPIGARELLI

COUNTY OF Los Amel

DOPOTHY SPIGAPELLI ...

This instrument was acknowledged before me on Signature

ADELE D. KATZ COMM. # 1258205 otary Public - California LOS ANGELES COUNTY Expires Morch 10, 2004

Notary Public

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 42 of 383

A.P.N. # 010-081-27

R.P.T.T. s 153.40 ESCROW NO. 030800245 Full Value RECORDING REQUESTED BY:
STEWART TITLE COMPANY
WHEN RECORDED MAIL TO:
MAIL TAX STATEMENTS TO:

GRANTEE 1435 SALLY LANE GARDNERVILLE, NV. 89410

# GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That THEODORE W. BEILKE AND INES BEILKE, HUSBAND AND WIFE, AS TO AN UNDIVIDED 50% INTEREST AND ALFRED J. SPIGARELLI AND DOROTHY SPIGARBLLI, HUSBAND AND WIFE, AS TO AN UNDIVIDED 50% INTEREST

in consideration of \$10.00, the receipt of which is hereby acknowledged, does hereby Grant, Bargain Sell and Convey to

GERARDO : EVANGELISTA AND LAURIE L. EVANGELISTA, HUSBAND AND WIFE AS JOINT TENANTS

and to the heirs and assigns of such Grantee forever, all that real property situated in the County of Lyon State of Nevada, bounded and described as follows:

SHE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THIS DOCUMENT, EXECUTED IN COUNTERPART, IS BEING RECORDED AS ONE DOCUMENT"

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues or profits thereof.

DATE:	March 24	, 2003		
STATE OF	7	}}		. *
acs in the	OF	} 25. \		
		/		
This insur	ment was acknow EODORE W. ALFRED J.	ledged befor	emeon and INES	BEILKE
by, and	ALFRED J.	SPIGARE	TTI and	DOROTHY
	ARRIGIT			
Signature				
DIENMING_	Notary Public			

THEODORE W. BEILKE

INES BEILKE

ALFRED J. SPIGARELLI

DOROTHY SPIGARELLI

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 43 of 383

Clata of California	<b>)</b>
State of California	<b>\$</b> 66.
County of LOS Anglica	}
March 27, 03 before me	Hamid Nessat.
County of LOS Argeles  On March 27, 03 before me  personally appeared THEODORE W	Name and Tall of Officer (e.g., "Jane Doe, Howay Public")  BELLKE
	personally known to me proved to me on the basis of satisfactory evidence
HAMID NESSAR	to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(iss), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
COMM. #1385148  NOTIFICATION OF THE PROPERTY O	WITNESS my hand and official agail.
	Bignesure of Notary Public
OPTIO	ONAL  • valuable to persure relying on the document and could prevent
Though the information below is not required by talk, it has pro- frequent removes and reattachmen	nt of this form to another document.
Description of Attached Document	
Description of Attached Document	<del>7</del>
Title or Type of Document: GRANT DE	ED (2)
March 24, 20	Number of Pages: UNE SEILKE, ALFREDJ. SPIGIAL THY SPIGIALELLI
Document Date:	LEUXE ALERENT SOLLAR
Signe (6) Other Than Named Above:	STORE, HOLLEY SPIRITE
E DOKE	STRY SPIGIALELLI
Capacity(ies) Claimed by Signer	
0	
YAT ABOVE	Color TeleCopprint
Signer's Name: SEE Above	OF SIGNED
Signer's Name: Above	OF Striving Top of thumb nere
Signer's Name:    Above   Above	Clesickles Rop of Evento nere
Signer's Name:    Signer's Name:   Above	Rop of Evundo nere
Signer's Name:    Signer's Name:   Above	Pop of Evunto nere
Signer's Name:    Comporate Officer — Title(s):	Top of thurstoners
Signer's Name:    Comporate Officer — Title(s):   Partner — Limited   General     Attorney-in-Fact     Trustee     Guardian or Conservator	Dip of Eurob nere
Signer's Name:    Inclividual   Corporate Officer — Title(s):     Partner —   Limited   General     Attorney-in-Fact     Trustee   Guardian or Conservator     Other:	Pop of Brumb nere
Signer's Name:    Corporate Officer — Title(s):   Partner —   Limited   General   Attomey-in-Fact   Trustee   Guardian or Conservator   Other:   Signer is Representing:   HumSelf	OP SIGNED Rop of Evunto nere

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 44 of 383

#### EXHIBIT 'A' LEGAL DESCRIPTION

That portion of the SW 1/4 of Section 28, Township 12 North, Range 23 Hast, M.D.B. & M., in the County of Lyon, State of Nevada, more particularly described as follows:

Commencing at a 3/4" IRON PIPE with washer stamped PLS 4248, said point is the West 1/4 of Section 28, thence South 89°44'04" East, 1326.59 feet; thence South 00°39'09" West, 6.86 feet to the TRUE POINT OF BEGINNING, thende through the following courses;

South 89\*44'04" East, 1326.59 feet;

South 00°43'44" West, 656.96 feet;

North 89\*44'04" West, 1325.71 fest;

North 00°39'09" East, 656.95 feet to the TRUE POINT OF BEGINNING.

10-081-27 ASSESSOR'S PARCEL NO.

IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE HEREIN ABOVE LEGAL DESCRIPTION WAS TAKEN FROM INSTRUMENT RECORDED MARCH 9, 2000, AS FILE NO. 245410, RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, STATE OF NEVADA."

"TOGETHER WITH 20 acre feet of water and water rights, ditch or ditch rights and other rights to water, of any nature whatsoever, appurtament to the property".

Charlene @ Stewart-Intent on purch agreement for all apportentant

wreter to go w/land

LYON COUNTY. NEW

RECORD REQUESTED OFFICIAL RECORDS LYON COUNTY, NEV. RECOPO REQUESTED BY

STEWART TITLE OF 03 APR 24 PM 1: 44

HARY C. HILLIGAN COUNTY RECORDER \_OEP.

## ase 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 45 of 383 A.P. No. 142-2020123-KM/734-23767 Escrow No. \$153.40 R.P.T.T. WHEN RECORDED MAIL TO: \*\*This document is being recorded in counterpart and shall be considered Grantee 800 N. Carhart Ave one document. Fullerton, CA 92833 MAIL TAX STATEMENT TO: Mr & Mrs Hutchins 800 N. Carhart Ave Fullerton, CA 92833 GRANT, BARGAIN and SALE DEED FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Theodore W. Beilke, an unmarried man and Ines Bellke, an unmarried woman as to an undivided 50% interest (who acquired title as husband and wife as joint tenants) and Alfred J. Spigarelli and Dorothy Spigarelli, husband and wife as joint tenants as to an undivided 50% interest do(⇔) hereby GRANT, BARGAIN and SELL to Leland Hutchins and Karen Hutchins, husband and wife as joint tenants with right of survivorship the real property situate in the County of Lyon, State of Nevada, described as follows: see legal description attached hereto and made a part hereof TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, therefore belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof. Date: 07/24/2002 Date: 7/26/01 Theodore W. Beilke Alfred J. Spigarelli Derothy Spigarelli Derothy Spigarelli Ines Beilke

285601

STATE OF NEVADA

COUNTY OF DOUGLAS

: 55.

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 46 of 383

State of California	1	
^	\$ \$5.	•
County of Orange	}	
المسمد	•	
on July 26, 200 before me, L	AUTIC Ann Warszaws	Ky notary
On July 26,2002 before me, L. personally appeared Alfred J.	Spigarelli and Doro	thy Spigar
	personally known to me proved to me on the basi	s of satisfactory
	evidence	
	in he the mesence of the term	manuala) inter-
	to be the person(s) whose subscribed to the within	
	acknowledged to me that he/si	
		eir authorized
LAURIE ANN WARSZAWSKI	capacity(ies), and that b	
Commission # 1276E/3	signature(s) on the instrument	
Rotary Public - Colfornia	the entity upon behalf of which	• • • •
Cronge Courty	acted, executed the instrumen	t.
My Cornert Explica Oct 4,2004	CHATNESS on bond and afficia	l acal
	WITNESS my hand and officia	i sear.
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Signer(s) Other Than Named Above:		
Consult (Inn) Claimed by Signer		
Capacity(les) Claimed by Signer		
Signer's Name;		DE SIGNER
☐ Corporate Officer — Title(s):		Top of thumb here
☐ Pacmar — ☐ Limited ☐ General		-
Attorney in Fact		
□ Trustee		
☐ Guardian or Conservator		
Capacity(les) Claimed by Signer  Signer's Name:  Individual Corporate Officer — Title(s): Paciner — Limited Deneral Attorney in Fact Trustee Guardian or Conservator Other:  Signer is Representing:		_
_		
Signer is Regresenting:		

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 47 of 383

A.P. No. .

10-081-28

Escrow No.

142--2020123-KM/

P.P.T.T.

\$153,40

WHEN RECORDED MAIL TO:

Grantee

800 N. Carhart Ave Fullerton, CA 92833

MAIL TAX STATEMENT TO:

Mr & Mrs Hutchins

800 N. Carhart Ave

Fullerton, CA 92833

\*\* This document is being recorded in counterpart and shall be considered one document.

### GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Theodore W. Beilke, an unmarried man and Ines Beilke, an unmarried woman as to an undivided 50% interest (who acquired title as husband and wife as joint tenants) and Alfred J. Spigarelli and Dorothy Spigarelli, husband and wife as joint tenants as to an undivided 50% interest

do(es) hereby GRANT, BARGAIN and SELL to

Leland Hutchins and Karen Hutchins, husband and wife as joint tenants with right of survivorship

the real property situate in the County of Lyon, State of Nevada, described as follows:

see legal description attached hereto and made a part hereof

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 07/24/2002

You W Bill

Alfred J. Spigarelli

Dorothy Spigarelli

ines Beilke

CALIFORNY STATE OF NEVADA

COUNTY OF LOS DOUGLAS Angeles.

Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 48 of 383

Tuli 25, 200 by
Theodore M. Beilka addition

Motary Public 24 2002

(My commission expires: DEC 24 2002)

HAMID NISAR COMM. 61205984
COMM. 61205984
HNOTHRY PUBLIC - CALPORNIA EL
LOS ANGELES COUNTY
COMM. EXP. DEO. 24, 2002

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 49 of 383

A.P. No.

10-081-28

Escrow No.

142-2020123-KM/

R.P.T.T.

\$153.40

WHEN RECORDED MAIL TO:

Grantee

800 N. Carhart Ave Fullerton, CA 92833

Fullerton, CA 92833

MAIL TAX STATEMENT TO: Mr & Mrs Hutchins 800 N. Carhart Ave

\*\*This document is being recorded in counterpart and shall be considered one document.

### GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Theodore W. Beilke, an unmarried man and Ines Bellke, an unmarried woman as to an undivided 50% interest (who acquired title as husband and wife as joint tenants) and Alfred J. Spigarelli and Dorothy Spigarelli, husband and wife as joint tenants as to an undivided 50% interest

do(es) hereby GRANT, BARGAIN and SELL to

Leland Hutchins and Karen Hutchins, husband and wife as joint tenants with right of survivorship

the real property situate in the County of Lyon, State of Nevada, described as follows:

see legal description attached hereto and made a part hereof

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 07/24/2002

Date: 7-30-02
Signed

) ; ss. Theodore W. Beilke

Alfred J. Spigarelli

Dorothy Spigarelli en Beilke

STATE OF NEVADA

COUNTY DOUGLAS 1

See attached Acknowledgment

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 50 of 383

tate of California ounty of Los Angele	<u> </u>
	Adelph Katz, Notary Public,
	☐ personally known to me  □ proved to me on the basis of satisfactory evidence
ADELE D. KATZ COMM. # 1253205 Notary Public - California LOS ANGELES COUNTY  Ny Commission Expires Morch 10, 2004 (	to be the person(a) whose name(a) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(lee); and that by his/her/their signature(a) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
	WITNESS my hand and official seal.
	WITH 235 III / MAIN 3 11 11 11 11 11 11 11 11 11 11 11 11 1
	adele a kara
Place Notary Seat Above	302000
	OPTIONAL
	y law, it may prove valuable to persons relying on the document all and reattechment of this form to enother document.
Description of Attached Document Title or Type of Document:	bargain + Sale Deed
Document Date: 12402	Number of Pages:
Signer(s) Other Than Named Above:	done W. Brilke, Alfredt. Spigacelli L Dorothy spigarelli
Signer's Name: INES Bellks  **Control of the state of the	O THE STATE OF THE PROPERTY TO BE STATED OF T
Corporate Officer — Title(s):	
□ Partner — □ Limited □ General	
Attorney in Fact	
☐ Trustee ☐ Guardian or Conservator	
Cother:	
Signer Is Representing:	

Case 3:73-cy-00127-MMD-WGC Decument 650 Filed 05/09/05 Page 51 of	of 383
by	•
Theodore W. Belike and Alfred J. Spigarelli	
the second and Tree Railke	

Theodore W. Belike and Alfred J. Spigarell and Dorothy Spigarelli and Ines Belike.

Notary Public

(My commission expires:

### Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 52 of 383

#### LEGAL DESCRIPTION

That portion of the SW 1/4 of Section 20, Township 12 North, Range 23 East, M.D.B.&M., located in the County of Lyon, State of Nevada, more particularly described as follows:

Commencing at a 3/4" iron pipe with washer stamped PLS 4248, said point being the West 1/4 of Section 28, thence South 89°44'04" East, 1326.59 feet; thence South 00°39'09" West, 663.81 feet to the true point of beginning, thence through the following courses;

South 89°44'04" East, 1325.71 feet;

2. South 00°43'44" West, 995.43 feet to a non-tangent curve concave Northerly having a radius of 293.75 feet and a radial bearing of North 02°21'03" West;

3. Northwesterly along said curve an arc length of 163.20 feet and a central angle of 31°50'03";

4. North 60°35'49" West, 857.21 feet to the beginning of a non-tangent curve concave Northeasterly having a radius of 979.32 feet and a radial bearing of North 29°20'45" East;

 Northwesterly along said curve having an arc length of 494.13 feet and a central angle of 28°54'33";

North 33°38'23" West, 104.88 feet;

7. North 00°39'10" East, 117.15 feet to the True Point of Beginning.

Legal Description appeared previously in Document No. 245410, recorded on March 9, 2000, Official Records of Lyon County, Nevada.

285601

GEOIGIAL RECORDS LYSH COUNTY, NEV. RECO常 REQUESTED BY

Title Service & Escrow Co. 02 NOV -8 PM 3: 26

COUNTY RECORDER

R.P.T.T. \$ 2632.50
ESCROW NO. 040800057
RECORDING REQUESTED BY:
STEWART TITLE COMPANY
MAIL TAX STATEMENTS TO:
SAME AS BELOW

7024633524

WHEN RECORDED MAIL TO:
GRANTEE
1008 GEORGIA LANE
GARDNERVILLE, NV 89460

(Space Above for Recorder's Use Only)

### GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That THEODORE W. BEILKE, A MARRIED MAN and INES BEILKE, An Unmarried Woman, as to an undivided 50% interest; and ALFRED J. SPIGARELLI and DOROTHY SPIGARELLI, busband and wife, as to an undivided 50%

in consideration of \$10.00, the receipt of which is hereby acknowledged, does hereby Grant, Bargain Sell and Convey to SOVEREIGN ENTERPRISES, LLC, A NEVADA LIMITED LIABILITY COMPANY

and to the heirs and assigns of such Grantee forever, all that real property situated in the County of Lyon State of Nevada, bounded and described as:

#### SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Together with all and singular the tenements, hereditaments and appurtenances therennto belonging or in anywise appertaining, and any reversions, remainders, rents, issues or profits thereof.

DATE: January 23, 2004

THEODORE W. BEILKE
INES BEILKE
ALFEED J. SPIGNRELLI
•
DOROTHY SPIGARELLI
DOROTHV SPIGARELLI

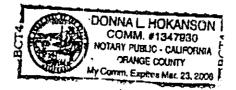
STATE OF		. }	• •	
COUNTY OF		ss.		·
COOMITOIL		. 1		
This instrument	was acknowledged E. W. BEILKE	i before me on	Britiski	
and ALFR	ED J. SPIGA	RELLI and	DOROTHY	<del></del>
SPIGAREL	JI			the reason
Signature				
Not	ary Public (One in	ch margin on al	sides of document	for Recorder's Use Only

State of California }
County of Orange }

On FORMAN 2, 2004 before metawar Horango Na Notary Public, personally appeared Francisco To Donothy Spicare Library who proved to me ont the basis of satisfactory evidence to be the Person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Notary Public.



CRANT BARGAINSALEDEELD
TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

R.P.T.T. S 263.2.50
ESCROW NO. 04 08 00 057
RECORDING REQUESTED BY:
STEWART TITLE COMPANY
MAIL TAX STATEMENTS TO: SAME AS BELOW
SAME AS HELOW

WHEN RECORDED MAIL TO: GRANTEE 1008 GEORGIA LANK GARDNERVILLE, NV 89460

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04 FEB 24 PM 2: 57

HARY C. MILLIGAN COUNTY RECORDER

FEE \_\_\_\_\_ 02P. \_\_\_

314497

(Space Above for Recorder's Use Only)

## GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That THEODORE W. BEILKE, A MARRIED MAN and INES BEILKE, An Unmarried Woman, as to an undivided 50% interest; and ALFRED J. SPIGARELLI and DOROTHY SPIGARELLI, husband and wife, as to an undivided 50% in consideration of \$10.00, the receipt of which is bereby acknowledged, does hereby Grant, Bargain Soll and Convey to SOVEREIGN ENTERPRISES, LLC, A NEVADA LIMITED LIABILITY COMPANY

and to the heirs and assigns of such Grantee forever, all that real property situated in the

County of Lyon State of Nevada, bounded and described as:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Together with all and singular the tenements, hereditaments and appartenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues or profits thereof.

DATE: January 23, 2004

THIS DOCUMENT, EXECUTED IN COUNTERPART IS BEING RECORDED AS ONE DOCUMENT

Heodore	W. Beilke
THEODORE W.	BEILKE

INES BEILKE

ALFRED J. SPIGARELLI

DOROTHY SPIGARELLI

Notary Public (One inch margin on all sides of document for Recorder's Use Only)

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 56 of 383

State of California	}
. i.A	33.
County of	_ )
On 2/21/04 before me.	Hamol Nessey and Fory  Hamol Nessey Resolution  Hamol and By at the partition and the partition of the parti
personally appeared The odore	W BEIKE
personally appeared	Hermits of Monarth
	proved to me on the basis of satisfactory
	evidence
	to be the person(s) whose name(s) is/are
	subscribed to the within instrument and
	acknowledged to me that he/she/they executed the same in his/har/their authorized
	capacity(les), and that by his/her/their
	signature(s) on the instrument the person(s), or
	the entity upon behalf of which the person(s)
HAMO NESSAR	acted, executed the instrument.
COMM 11385148	WITNESS my hand and official seal
TOTA MOSTER COUNTY	a inde
	The second of th
	Diffusion in second sature
•	
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Though the information below is not required by law, if may	PTIONAL prove valueble to persons retying on the document and could prevent
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Though the information below is not required by law if may fraudillent removal and rentied.  Description of Attached Document.  Title or Type of Document: 1/23/04	prove valuable to persona retying on the document and could prevent christin to this form to another document.  Number of Pages:
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Though the information below is not required by law if may fraudillent removal and rentied.  Description of Attached Document.  Title or Type of Document: 1/23/04  Document Date: 1/23/04  Signer(s) Other Than Named Above: 4  Capacity(les) Claimed by Signer	prove valuable to persona retying on the document and could prevent christin to this form to another document.  Number of Pages:
Though the information below is not required by law, if may fraudillent removal and realised  Description of Attached Document  Title or Type of Document: 1/23/04  Document Date: 1/23/04  Signer(s) Other Than Named Above: 4	prove valuable to persona retying on the document and could prevent chromin of this form to another document.  Allo  Number of Pages: 2  Beilke, Alfred Spigare  Dotothy Spragerali
Though the information below is not required by law if may fraudillent removal and restrict.  Description of Attached Document.  Title or Type of Document: 1/23/04  Signer(s) Other Than Named Above: 1/65  Capacity(les) Claimed by Signer.  Signer's Name: 560 000	prove valuable to persona retyring on the document and could prevent christian to another document.  Allo  Number of Pages: 2  Beilke, Alfted Spigary Dotothy Spraguelli
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Though the information below is not required by law, if may fraudition removal and realised  Description of Attached Document  Title or Type of Document: 1/23/04  Document Date: 1/23/04  Signer(s) Other Than Named Above: 40 Capacity(les) Claimed by Signer  Signer's Name: 40 00 000  Individual Corporate Officer — Title(s): 41 Corporate Officer — General Attorney-in-Fact	Prove valuable to persona retyring on the document and could prevent christian to another document.  Allo  Number of Pages: 2  Beilke, Alfred Spigary  Dotothy Spragary  Official Humbership
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Though the information below is not required by law, if may fraudillent removal and realised  Description of Attached Document  Title or Type of Document: 1/23/04  Document Date: 1/23/04  Signer(s) Other Than Named Above: 4  Capacity(les) Claimed by Signer  Signer's Name: 4 C	Prove valuable to persona retyring on the document and could prevent christian to another document.  Allo  Number of Pages: 2  Beilke, Alfred Spigary  Dotothy Spragary  Official Humbership

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 57 of 383

R.P.T.T. S 2632.50
ESCROW NO. 040800057
RECORDING REQUESTED BY:
STEWART TITLE COMPANY
MAIL TAX STATEMENTS TO:
SAME AS BELOW

7024633524

WHEN RECORDED MAIL TO: GRANTEE 1008 GEORGIA LANE GARDNERVILLE, NV 89460

(Space Above for Recorder's Use Only)

### GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That THEODORE W. BEILKE, A MARRIED MAN and INES BEILKE, An Unmarried Woman, as to an undivided 50% interest; and ALFRED J. SPIGARELLI and DOROTHY SPIGARELLI, husband and wife, as to an undivided 50%

in consideration of \$10.00, the receipt of which is hereby acknowledged, does hereby Grant, Bargain Sell and Convey to SOVEREIGN ENTERPRISES, LLC, A NEVADA LIMITED LIABILITY COMPANY

and to the heirs and assigns of such Grantee forever, all that real property situated in the

County of Lyon

State of Nevada, bounded and described as:

#### SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, tents, issues or profits thereof.

DATE: January 23, 2004

THEODORE W. BEILKE
INES BEILKE
ALFRED J. SPIGARELLI
DOROTHY SPIGARELLI

STATE OF Callfornia ) ss COUNTY OF Las Angels )

This instrument was acknowledged before me on February G, 2004, by, THEODORS IN THE BEILKE AND ACCOUNTS OF THE BEILKE AND BOXOTHY

ADELE D. KATZ
COMM. # 1253205
Netery Public - California
LOS ANGELES COUNTY
My Commission Expires Morch 10, 2004

Signature adelo D Ka

Notary Public (One inch margin on all sides of document for Recorder's Use Only)

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 58 of 383

# EXHIBIT 'A' LEGAL DESCRIPTION

That portion of the N 1/2 of Section 28, Township 12, North, Range 23 East, M.D.B.. & M., in the County of Lyon, State of Nevada, more particularly described as follows:

Beginning at a 5/8" rebar and cap stamped PLS 8659, said point being the Section corner common to 21, 22, 27 and 28, thence through the following courses:

South 00°52'06" West along the Section line, 1319.96 feet;

North 89°34'25" West, 2657-19 feet;

South 00°43'44" West, 1334.26 feet;

North 89°44'04" West, 1326.59 feet;

North 00°39'02" East, 2669.10 feet to the North line of Section 28;

South 89°24'46" East, 3990.57 feet to the TRUE POINT OF BEGINNING.

ASSESSOR'S PARCEL NO. 10-081-26

"IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE HEREIN ABOVE LEGAL DESCRIPTION WAS TAKEN FROM INSTRUMENT RECORDED MARCH 9 2000, AS FILE NO. 245410, RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, STATE OF NEVADA."

"TOGETHER WITH 313 acre feet of water rights per Walker River Irrigation District Card No. 3170."

ATION DISTRICT YERINGTON, NEVADA WALKER RIVER I

O. & M. Localino,

Pt 59, 47,8267 10-081-27 Lyon County No. ndex No. Claim No.

User#

Case

3:7

Claim User #

Colony 588 Non Wtr Rt. Acres Water Rt. Acres TOTAL ACRES CLAIM#

> BRIDGEPORT RES ACRE FEET

TOPAZ RES. ACRE PEET

ACRE FEET APPORTIONED

/-0<u>\$</u>

8

41.18

41.18

<u>25</u> 184 Acre Feet Storage

_						
			į	DAYS	ACRE FEET REQUIRED	REGUIRED
PRIORITY	wi Li	ACRES	A È ĤŒ	STORAGE	PER ACRE	TOT
NEWL		20.000	4,2768	43	2.0592	÷
TOTAL		20.000				41,

Transferred from card #56972 - Walker River Land Corp. Transferred from card #42302 - Red Creek Ranch, Inc. 3/25/00 - Transferred from card #55968 - WRLC COMMENTS

Pt. of NE 1/4 of SW 1/4, Sec. 28; T. 12 N., R. 23 E.

LEGAL DESCRIPTION

WGC

OCU

5/28/03 - Transferred from card #3173 - Belike & Spigarelli 11/27/01 - Transferred from card #3171 - Beilke

04/26/04 - Changed Address

WRID 06/30/0<del>2</del> Walker River Land Corp., a Nevada corporation to Theodore W. & Ines Beilke, husband and wife as Joint Tenants, an und. 50% int., and Alfred J. & Chorothy Spignarelli, husband and wife, as Joint Tenants, an und. 50% int., all as tenants in common Reconveyance Deed - Marian Pinkerton, Treasurer & Ex-Officio Tax Receiver and Trustee for Lyon County Nevada to Pruett Ranches, Inc. a Nevada Red Creek Ranch, Inc. a Colorado Corporation to Walker River Land Corp., a Nevada Corporation. Excepting & Reserving unto Grantor all water 🕜 Pruett Ranches, Inc., a Nevada Corporation to Red Creek Ranch, Inc., a Colorado Corporation - Grantor Reserving all Water Rights. Water Rights & Easement Deed - Pruett Ranches, Inc., a Nevada Corporation to Red Creek Ranch, Inc., a Colorado Corporation. Record of Survey in support of a Boundary Line Adjustment for Walker River Land Corp & Hunewill Land & Livestock Co. Water Rights Deed - Red Creek Ranch, Inc., a Colorado corporation to Walker River Land Corp. a Nevada corporation Record of Survey in Support of Boundary Line Adjustment for Pruett Ranches, Inc., a Nevada Corporation Record of Survey to Support Boundary Line Adjustment for Pruett Ranches, Inc., a Nevada Corporation. Dorothy Spigarelli, husband and wife, as Joint Tenants, an und. 50% int., all as tenants in common A Map of Division into Large Parcels for Red Creek Ranch, Inc., a Colorado Corporation. Associated Ranch Management to Trinox Company (all except 38.88 acres). Record of Survey for Pruett Ranches, Inc., a Nevada Corporation. Boundary Line Adjustment Deed (creating parcel 10-081-04 & 05). Trinox Company to Pruett Ranches, Inc. a Nevada Corporation. Deed to Correct Legal Description on Document #173436. Land Patent (creates APN 10-081-13) **Boundary Line Adjustment Deed** Corporation DESCRIPTION rights 12/31/97 01/16/98 01/16/98 03/31/98 12/31/98 12/31/98 02/29/00 01/10/80 07/14/94 01/16/98 06/11/98 02/29/00 03/09/00 DATE 12/29/97 12/29/97 01/16/98 12/31/97 Exhibit 19 SOCUMENT HISTORY DOCUMENT # #213682 #228078 #245089 #173436 #213638 #214316 #214322 #214323 #214324 #216883 #219988 #228079 #245090 #245410 #213752 #213637 #51065

ed\_05/

650

383

Water Rights Deed - WRLC to Theodore W. & lines Beilke, husband and wife as Joint Tenants, an und. 50% int., and Alfred J. & Dorothy Spigarelli,

husband and wife, as Joint Tenants, an und. 50% int., all as tenants in common

03/09/00

#245411

Division #:

Gerardo & Laurie L. Evangelista

14490

Card #: Name Wellington, NV 89444

Court Decree:

214 Artesia Rd.

Address:

se	3:73-cv-00127-MMD-WGC	Document 650 Filed_05/	09/05 Page 60 of 383
_			33/33 : a.g. 33 3: 333

DOCUMENT HIS		
DOCUMENT #	DATE	DESCRIPTION
#	11/27/01	Card #3171 split into two cards to make separate cards for APN #'s 10-081-27 & 10-081-28
#	11/27/01	Beilke card #3171 split into cards #3172 & 3173
#295085	04/24/03	Theodore W. & Ines Belike, husband and wife, as to an und. 50% int. and Alfred J. & Dorothy Spigarelli, husband and wife as to an und. 50% int. to Go Gerardo & Laurie L. Evangelista, husband and wife as Joint Tenants

WRID 06/30/04

						YERINGT	YERINGTON, NEVADA					
Card #; Name:	26402 Leland & H	26402 Letand & Karen Hutchina			; }					æ €	Index No. Lyon County No. Claim No.	Pt 68, 47,8267 10-081-28
Address: Court Decree:	800 N. Carhart Ave. Fullerton, CA 9283	800 N. Carhart Ave. Fullerton, CA 92833				O W	O. & M. Local No. 1			, <u>u</u>	Ditch	Colony
PRIORITY	C.P.S.	ACAR	YTNG	DAYB	AOREPHET ARGUMED	AEGUINED TOTAL	ACREPET! APPORTIONED	TOPAZ RES. ACRE PEET	BEROTENT BER.	CLAM	TOTAL ACRES	20.000
NEW1. rotal		18.000	4.2760	99	2.0692	32.947	32.96	32.96	00	1 1	Woter AL Aares Non We Al Aares	
											Asra Part Barage	32.6
LEGAL DESCRIPTION	ON:							COMMENTS	2			
Pt. of NE 114 of SW 114, Pt. of SE 114 of SE 114, T. 12 N., R. 23 E.	of NE 1/4 of SW 1/4, of SE 1/4 of SE 1/4, Sec. 28; T. 12 N., R. 23 E.	ic. 28(	:	1				Transferr Transferr 372400 - 372600 - 1127101	Transferred from card #42302 - Red Creek Ranch, Inc. Transferred from card #56972 - Walker River Land Coi 3/24/00 - Also APN 19-081-28 3/25/00 - Transferred from card #59948 - WRLC 11/27/01 - Transferred from card #3171 - Belike & Spri	2302 - Red Crr 6972 - Walker 1-28 In card #66968 In card #3171 In card #3171	Tansferred from card #42302 - Red Creek Ranch, Inc. Tansferred from card #56872 - Walker River Land Corp. 3/24/00 - Also APN 19-081-28 3/25/00 - Transferred from card #56948 - WRLC 11/27/01 - Transferred from card #3171 - Belike & Sprigareli	3
DOCUMENT HISTORY:	MY:											
DOCUMENT #		DATE	DESCRIPTION	×								
#61065		01/10/80	Associat	ed Ranch	fanagement to	Trinox Compar	Associated Ranch Management to Trinox Company (all except 38.88 acres)	.88 acres).				
#1/3430 #213637		12/28/97	Record o	Record of Survey in Support		undary Line Ad	lustment for Pro	uett Ranches, ir	of Boundary Line Adjustment for Pruett Ranches, Inc., a Nevada Corporation	rporation.		
#213638	·- <u>-</u>	12/29/97	Boundary	Boundary Line Adjustment D		realing parcel	eed (creating parcel 10-081-04 & 05).					
#213682		12/31/97	Record of Su Reconveyant	Record of Survey to Support Reconveyance Deed - Marlan	Support Boun 1 - Marlan Pinke	idary Line Adju erion, Treasure	stment for Prue	If Ranches, Inc. ax Receiver and	Boundary Line Adjustment for Pruett Ranches, Inc., a Nevada Corporation. Pinkerion, Tressurer & Ex-Officio Tax Receiver and Trustee for Lyon Coun	oration. on County Nev	Record of Survey to Support Boundary Line Adjustment for Pruett Ranches, inc., a Nevada Corporation.  Reconveyance Deed - Marian Pinkerion, Tressurer & Ex-Officio Tax Receiver and Trustee for Lyon County Nevada to Pruett Ranches, Inc. a Nevada	oches, inc. s Nev
#214316		01/16/98	Record o	f Survey fo	or Pruett Ranch	es, Inc., a Neva	Record of Survey for Pruett Ranches, Inc., a Nevada Corporation.					
#214322		01/16/98	Deed to C	Sorrect Leg	Deed to Correct Legal Description on Document #173436.	on Document #	173436					
#214323		01/16/98	Pruett Ra	inches, Inc	, a Nevada Cor	poration to Rec	d Creek Ranch,	Inc., a Colorado	Corporation . G	Irantor Reserv	Prueti Ranches, Inc., a Nevada Corporation to Red Creek Ranch, Inc., a Colorado Corporation - Grantor Reserving all Water Rights.	hts.
#214324		01/16/98	Water Ri	Water Rights & Easement De	ernent Deed - P	ruett Ranches,	Parcels for Bad Creek Bach for a Colorado Concestion	Corporation to P	Red Creek Ranch	n, Inc., a Color	Water Rights & Easement Deed - Pruett Ranches, Inc., a Nevada Corporation to Red Creek Ranch, Inc., a Colorado Corporation.	
#219988		06/11/98	Land Pate	ent (create	Land Patent (creates APN 10-081-13)	3)		50000		-		
#228078		12/3 (198	Red Cree	k Rench, L	nc. a Colorado	Corporation to	Walker River La	and Corp., a Nev	rada Corporation	n. Excepting 4	Red Creek Ranch, Inc. a Colorado Corporation to Walker River Land Corp., a Nevada Corporation. Excepting & Reserving unto Grantor all water rights	Grantor all water
#228079		12/3 1/98	Water Rk	ghts Deed	Red Creek Rai	nch, inc., a Cok	orado corporati	on to Welker RI	Water Rights Deed - Red Creek Ranch, Inc., a Colorado corporation to Walker River Land Corp. a Nevada corporation	Nevada corpx	oration	
#246081		02/28/00	Recordo	Record of Survey in support	support of a B	oundary Line A	Adjustment for \	Nather River La	of a Boundary Line Adjustment for Walker River Land Corp & Hunewill Land & Livestock Co.	Will Land & LIV	vestock Co.	
#245090 #245410		03/09/00	Walker R	Boundary Line Adjustment D Walker River Land Corp., a N Donothy Spigarell, husband	Boundary Line Adjustment Deed Walker River Land Corp., a Nevada Perothy Spidarell, husband and w	corporation to	Theodore W. &	ines Belike, hu 0% int., all as te	eed levada corporation to Theodore W. & Ines Belike, husband and wife as and wife as Joint Tenants, an und, 60% int. all as tenants in controp	as John Tenar	eed levada corporation to Theodore W. & Ines Belike, husband and wife as Joint Tenants, an und. 69% int., and Alfred J. & and wife as Joint Tenants, an und. 69% int., and Alfred J. & and wife as Joint Tenants, an und. 69% int., all as tenants in controps	nt., and Alfred J.
8246411		03/09/00	Water Ri	ghts Deed	Water Rights Deed - WRLC to Theo	odore W. & Ines	Theodore W. & Inca Belike, husband and wife as	d and wife as J	oint Tenants, an	und. 60% Int.,	Water Rights Deed - WRLC to Theodore W. & Inea Belike, husband and wife as Joint Tenanis, an und. 60% int., and Alfred J. & Dorothy Spigarelli,	orothy Spigaretili,

DOCUMENT HISTORY:		
DOCUMENT #	DATE	DESCRITION
#200070	07/10/00	Change of Point of Diversion of Storage Water.
	11/27/01	Card #3171 split into two cards to make separate cards for APN 8's 10-081.37 & 10-081.29
2	11/27/01	Beilke card #3171 spift into cards #3172 & 3173
#28 56 0 1	1108/02	Theodore W. Belike, an unmarried man & lines Belike, an unmarried woman, as to an und, 69% int. (who acquired title as husband and wife as John Tenants) and Alfred J. & Dorothy Spigarelli, husband and wife as Joint Tenants as to an und. 60% int. to Leland & Karen Hutchins, husband and wife as Joint Tenants
		cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 62 of 383

### Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 63 of 383

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-14-05

Signature

PEGGY BITTEN

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_T-CUSTEE

\_\_\_ of

(Title)

(Corporate, Trust, Partnership or other entity)

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service e Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1			
2	IN THE UNITED STATES DI FOR THE DISTRICT O		
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff.		
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	)   vs. )		
8	WALKER RIVER IRRIGATION DISTRICT, ) a corporation, et al.,		
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE	
11	<ol> <li>I hereby enter my appearance in this sub-</li> </ol>	-proceeding in this case.	
12	2. I am filing this document with the Distri	ct Court at the following address:	
13	Chief Deputy Clerk United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
17	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu of	
3	Summons, I am mailing a copy of this document to:		
	Susan L. Schneider	•	
19	Attorney for the United States of Americ United States Department of Justice Environment & Natural Resources Divis		
20	P.O. Box 756	ioit	
21	Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe		
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe		
24	in the Notice in Lieu of Summons or in the service of th	•	
25	5. If I (or the entity on whose behalf I am actir	ng) have retained an attorney to represent	
26	me in these proceedings, I identify that attorney below,	, along with his or her mailing address,	
27	telephone number, and facsimile number:		
8.2			
- 11			

# Case 3:7\$-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 65 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) (Entity, if any, on whose behalf you are appearing) (Telephone number)

### Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 66 of 383

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-14-05 KEN BINER Printed/Typed Name If you are acting on behalf of any entity, identify that you are (Title) KEN + PEGGY BITTER THUST

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

(Corporate, Trust, Partnership or other entity)

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in f Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 67 of 383

1. IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor, SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. 9 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 15 400 South Virginia Street, Suite 301 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 17 Summons. I am mailing a copy of this document to: 18 Susan L. Schneider 19 Attorney for the United States of America United States Department of Justice 20 Environment & Natural Resources Division P.O. Box 756 21 Littleton, Colorado 80160 22 I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 25 If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, and facsimile number:

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

### Case 3:7\$-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 68 of 383 Attomey: Address: Phone Number: Fax Number: (Signature) KEN BITTER (Printed or typed Name) KEN + PEGGS BIREN (Entity, if any, on whose Theus behalf you are appearing) P.O. KOX 250 GERINGTON NU (Address) 775-463-4239 (Telephone number)

#### WHEN RECORDED MAIL TO:

Law Offices of John P. Schlegelmilch, Ltd. 30 Broadway Ave. Yerington, NV 89447

Grantee (and mail Tax Statement to): THOMAS BOBRICK, Trustee of The THOMAS BOBRICK TRUST 18 Maple Drive Yerington, NV 89447

APN # 012-071-28 RPTT #-8/7

#### **OUITCLAIM DEED**

THIS INDENTURE, made this 4th day of April, 2003, by and between THOMAS BOBRICK, a single man, hereinafter called Party of the First Part and, THOMAS BOBRICK, Trustee of the THOMAS BOBRICK TRUST, dated the 4th day of April, 2003, hereinafter called Party of the Second Party.

#### WITNESSETH:

That the said Party of the First Part hereby conveys to Party of the Second Party, its heirs, successors, and assigns, all of the right, title, and interest in and to that certain real property, commonly known as 152 Hwy 208, situate in the County of LYON, State of Nevada, described as follows::

All that certain real property being a portion of the west ½ of Section 26, Township 13 North, Range 25 E MB&M Lyon County, Nevada described as follows, Parcel C as shown on the Parcel Map for Thomas and Ruth E. Bobrick recorded in the official records of Lyon County, Nevada on March 28, 1996 as Document #191775.

PER NRS 111.312, THE LEGAL DESCRIPTION APPEARED PREVIOUSLY IN DEED NO. 270997 RECORDED ON January 15, 2002.

APN 012-071-28

1

Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 70 of 383

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the Parties of the Second Part and to their assigns forever.

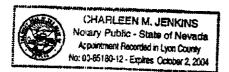
IN WITNESS WHEREOF, the Grantor has hereunto set his hand the day and year first above written.

TOM BOBRICK

#### **ACKNOWLEDGMENT**

STATE OF NEVADA ) :ss.
COUNTY OF LYON )

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove written.



NOTARY PUBLIC

Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 71 of 383

294071

OFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY

John Schlegelmilch LTD 93 APR-7 PM 4: 33

MARY C. HILLIGAN COUNTY RECORDER

FEE 16 DEP. Dee

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 72 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I	I (or the entity on whose behalf I am acting) will retain a	Il defenses or objections to the lawquit
or to the jui	risdiction or venue of the Court except for objections bas	sed on a defect in the Notice in Lieu of
Summons of	or in the service of the Notice in Lieu of Sammons	or a defect in the Proffee in Field of

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

Steven & Susan Lohnen

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service 2 Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1	
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
3	UNITED STATES OF AMERICA,
4	Plaintiff,
5	WALKER RIVER PAIUTE TRIBE, IN EQUITY NO. C-125
6	Plaintiff-Intervenor, SUBFILE NO. C-125-B
7	vs. )
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-proceeding in this case.
12	2. I am filing this document with the District Court at the following address:
13	Chief Deputy Clerk
14	United States District Court for the District of Nevada
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501
16	<ol> <li>In the envelope provided for return of my Waiver of Service of Notice in Lieu of</li> </ol>
17	Summons, I am mailing a copy of this document to:
18	Susan L. Schneider
19	Attorney for the United States of America United States Department of Justice
20	Environment & Natural Resources Division P.O. Box 756
21	Littleton, Colorado 80160
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below, along with his or her mailing address,
27	telephone number, and facsimile number:
28	

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 74 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) Steven a Susan . (Entity, if any, on whose behalf you are appearing) (Telephone number)

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 75 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3//5/05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

Steven & Susun Ronner Family

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service be Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 17 Summons. I am mailing a copy of this document to: 13 Susan L. Schneider 19 Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 4. 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address. 26 telephone number, and facsimile number: 27 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

Case 3:7	3-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 77 of 38	3
1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	
8	Music 9 Gira C	
9	(Signature) TRUSTEE	
10	Steven 2-Bolingie	
11	(Printed or typed Name)	
12	(* ***********************************	
13	Steven & Susan Bohner Family Trus.	
14	(Entity, if any, on whose	
15	behalf you are appearing)	
16	81 Yete Henduchs Xd.	
17	(Address)	
18	775-463-9886	
19	(Telephone number)	
20		
21		
22		
23		
24		
25		
26		
27		

Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 78 of 383

APN: 14-521-10 RPTT \$0.00 No. 6

Mail Tax Statements to: 81 Pete Hendrichs Road Yerington, NV. 89447

After Recording Mail to: William L. Carpenter 215 W. Bridge St., Suite 3 Yerington, NV. 89447 CYON COUNTY, NEV.
RECORD REQUESTED BY
William Oxperter, Esq.
D4 JAN 12 PM 1: 04

MARY C. HILLIGAN COUNTY RECORDER

FEE 150 DEP. MK

#### **QUITCLAIM DEED**

THIS INDENTURE, made this 9<sup>Th</sup> day of Jordon, 2004, between STEVEN L. BOHNER and SUSAN SCRIVNER BOHNER, Husband and Wife, parties of the first part, and STEVEN BOHNER and SUSAN BOHNER, Trustees, under the terms of THE STEVEN BOHNER and SUSAN BOHNER FAMILY TRUST, dated this day written above, the parties of the second part.

#### WITNESSETH:

That the said parties of the first part, in conformity with the terms of the aforesaid Declaration of Trust, do by these presents remise, release and forever quitclaim unto the said parties of the second part, their successors and assigns forever, all their right, title and interest in and to the certain lot, piece or parcel of land situate, the County of Lyon, State of Nevada, more particularly bounded and described as follows, to wit:

Per NRS 111.312, the legal description appeared previously in Deed #287186 and recorded December 12, 2002 in Lyon County Records.

All that certain real property being a portion of the Northwest 1/4 of the Northwest 1/4 of Section 7, Township 13 North, Range 26 East, M.D.B.&M., Lyon County, Nevada, described as follows:

Parcel B as shown on the Parcel Map for Beryl Tamagni, recorded in the Official Records of Lyon County, Nevada, on November 19, 1991, as Document No. 146830.

EXCEPTING THEREFROM the South 25 feet as reserved by Raymond E. Tamagni and Janice E. Tamagni in that certain Gift Deed recorded in the Official Records of Lyon County, Nevada on June 17, 1992, as Document No. 152644.

Page 1 of 2

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 79 of 383

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances, including easements and water rights, if any, thereunto belonging or in anyway appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said parties of the second part and their successors and assigns forever.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hand the day and year first above written.

STEVEN L. BOHNER

SUSAN SCRIVNER BOHNER

STATE OF NEVADA

**COUNTY OF LYON** 

ss.

This instrument was acknowledged before me on this 9

day of January

2004.

by Steven L. Bohner and Susan Scrivner Bohner.

Notary Public

JANICE SHIPLEY
Notary Public - State of Nevada
Appointment Recorded in Lyon County
No: 00-3/180-12 - Expires April 29, 2007

TION DISTRICT WALKER RIVER

YERINGTC..., AEVADA

PROVISIONAL S. & M. Local No. 3

Steven Bohner & Susan Bohner, Trustees Steven & Susan Bohner Family Trust

Division #:

Card #: Name: 81 Pete Hendrichs Rd. YerIngton, NV 89447

Address:

C-125, P. 44; Tamagni, Antone

Court Decree:

2525 Lyon County No.

14-521-10 P. of 34 Index No.

-C/ <u>0</u> Nicho! Merritt Acre Feet Storage Non Wir Rt. Acres Weter Rt. Acres TOTAL ACRES Ciaim No. User # Ditch # MINTO

ò

BRIDGEPORT RES. ACRE FEET 99

			_	DAYS	ACRE PEET REG	REQUIRED	ACRE PEET	TOPAZ RES.	一
PRIORITY	O.F.8	ACRES	∆LNG.	STORAGE	PER ACRE	TOTAL	APPORTIONED	ACRE FEET	
D. C.	021.	10.000	3.2076			1,300			
TOTAL	.120	10.000				1.900	1.90	1.30	~
									1

6/4/2000 - Transferred from card #34608 - Gerald Menesini 1/16/03 - Transferred from card #2045 - Roger Banta 03/02/04 - Changed to Trust COMMENTS

Parcel B - PM 146830

Fr. NW 1/4 of NW 1/4, Section 7; T. 13 N., R. 26 E.

LEGAL DESCRIPTION

DOCUMENT #		
	DAIE	DESCRIPTION
#35-302	01/01/49	Edward Tamagni to Edward & Beryl Tamagni, 1949 Roll.
#24846/24846	12/15/75	Transfers between Manoukian & Tamagni, 1976-76 Rott.
#33612	08/11/77	Deleting Edward from the name of ownership, 1976-77 Roll.
#162438	06/03/92	Decree Settling Estate and Providing for Final Distribution and Discharge - Beryl Tamagni's Estate to Raymond Edward & Janice E. Tamagni.
#162440	06/08/92	Executor's Deed - Raymond E, Tamagni, Executor of Estate of Beryl R. Tamagni to Raymond E. & Janiece E. Tamagni.
#162536	06/12/92	Grant Deed - Raymond E. & Janice E. Tamagni to Raymond E. & Janice E. Tamagni, Trustees of the Raymond E. Tamagni Family Trust.
#152644	06/17/92	Giff Deed from Raymond E. & Janice E. Tamagni to Gerald T. & Renee E. Menestni, Husband & Wife as Joint Tenants (10 acres, 14-521-10).
#246284	04/03/00	Trustees Deed Upon Sale - to Roger L. Banta, Trustee under Declaration of Trust dated 12/1293
#287186	12/12/02	Roger L. Banta, Trustee to Steven L. Bohner & Susan Scrivner Bohner, husband and wife as Joint Tenants
#311732	01/12/04	Steven L. Bohner & Susan Scrivner Bohner, husband and wife to Steven Bohner & Susan Bohner, Trustees of the Steven Bohner & Susan Bohner Family Trust
		WRID 06/30/04

103883

PAUL 4.

## Case 3:73-cv-00127-MMD-WGC Document 650 Filed (Case 81 of 383) RECORD REQUESTED BY

APN 10-331-09 Document Transfer Tax \$192.00 Order No. TSL-25516 Mail Tax Bill to Grantee: Dellington NV BRYYY

Title Service & Escrow Co. 03 SEP 11 AM 11: 03 - MARY C. HILLIGAN COUNTY RECORDER

SPACE ABOVE FOR RECORDER'S USE ONLY

## GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

KIRK A. BOOTH, an unmarried man and CAROLYN J. CROUSE, an unmarried who acquired title as CAROLYN C. BOOTH

do herepy GRANT, BARGAIN and SELL TO

PAUL J. FRY, III and JILL CHRISTINE FRY, husband and wife as Joint Tenants with the Right of Survivorship

the real property situate in the County of LYON, State of Nevada, described as follows:

All that certain real property being a portion of the Northwest 1/4 of the Southeast 1/4 of Section 27, T 11 N, R 23 E, M.D.B.&M., Lyon County, Nevada, being described as follows:

From the established and recognized monument (iron pin in mound of rocks) in the center of said Section 27, and which bears South 0°31' East, 2638.44 feet from the North one-quarter corner of said section; thence South 0°31' East along the one-quarter section line 330.00 feet to the true point of beginning at the Northwest corner of the parcel; thence North 89°56' East, 460.00 feet to a point at the Northeast corner of the parcel and in the so-called Colony Ditch: thence following along in said ditch so-called Colony East, 278.71 feet to a point at the Southeast corner South 25°07' East, 278.71 feet to a point at the Southeast corner of the parcel; thence leaving said ditch South 89°56' West, 576.00 feet to a point at the Southwest corner of the parcel; thence North 0°31' West along the one-quarter section line 252.50 feet to the point of beginning.

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 82 of 383

Legal Description appeared previously in Document No. 217726, recorded on April 21, 1998, Official Records of Lyon County, Nevada.

TOGETHER WITH all water and water rights, ditches and ditch rights, wells and well rights

TOGETHER WITH all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainders, rents, issues or profits thereof.

STATE OF NEVADA

COUNTY OF LYON

on August 27, 2003 personally appeared before me, a Notary Public for Judge or other authorized person, as the case may be), CAROLYN J. CROUSE, who acknowledged to me that she executed the within instrument.

STEPHANIE L. JACKSON Notary Public - State of Nevada Appointment Recorded in Lyon County No: 97-3155-12 - Expires August 25, 205

## Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 83 of 383

KIRK A. BOOTH

STATE OF NEVADA

COUNTY OF LYON

On Serv 4,2003 personally appeared before me, a Notary public (or Judge or other authorized person, as the case may be), KIRK A. BOOTH, who acknowledged to me that he executed the within instrument.

Case	<b>3:7</b>	<b>73-c</b> v	′ <del>-00</del>	127	-MMD-	₩GC	<del>; p</del>	<del>ocument 65</del> 0	Filed 05/09/05	Page 84 of 383
10-331-09	ony	3.0	3.00	00.	6.18			aui J. Fry III & JIII		VRID 06/30/04

	Case	3:7	3-0	V T	3.00	<b>6</b> 00.	6.18 1.4 1.4 1.4 1.4 1.4 1.4 1.4 1.4 1.4 1.4		<del>V V</del>   	الله الله			sument 650 = *
Fm 75-C		Colony			1								aul J. Fry
Index No.	Lyon County No.	User# Ditch		TOTAL ACRES	Water Rt. Acres	Non Wir Rt. Acres	Acre Feet Storage			05 - K & C Booth			Max A. & Vergie A. Kennon to Jack & Leila Kern.  Executor Deed - Leila M. Kern (1/2 int.) to Jack Kern.  Executor Deed to Harry L. Finch.  Harry L. Finch to Kirk A. & Carolyn C. Booth, husband and wife as Joint Tenants  Harry L. Finch to Kirk A. & Carolyn C. Booth, husband and wife as Joint Tenants  Kirk A. Booth, an unmarried man and Carolyn J. Crouse, an unmarried woman, who acquired title as Carolyn C. Booth to Paul J. Fry III & JIII  Christine Fry, husband and wife as Joint Tenants
				CLAIM #					6330 - Finci	m card #44			title as Carc
				ACRE FEET ACRE FEET		00.		Ş	Transferred from card #16330 - Finch	11/20/03 - Transferred from card #4405 - K & C Booth			nts n, who acquired
fION DISTRICT EVADA				ACRE FEET		6.18		COMMENTS	Transfe	11/20/03			to Jack & Leila Kern. srn (1/2 int.) to Jack Kern. Finch. Carolyn C. Booth, husband and wife as Joint Tenants of man and Carolyn J. Crouse, an unmarried woman, v
ž		O. & M. Local No. 1		ACRE FEET APPORTIONED		6.18							k Kern. husband and wi 1 J. Crouse, an u
WALKER RIVER IRE YERINGTON		0.8		ACRE FEET REQUIRED R ACRE TOTAL	6.180	6.180	-						ck & Leila Ke 2 int.) to Jac yn C. Booth, n and Carolyr as Joint Ten
WALK				ACRE FEET	2.0592					2			Max A. & Vergie A. Kennon to Jack & Leila Kern. Executor Deed - Leila M. Kern (1/2 int.) to Jack Kern. Executor Deed to Harry L. Finch. Harry L. Finch to Kirk A. & Carolyn C. Booth, husbar Kirk A. Booth, an unmarried man and Carolyn J. Cro Christine Fry, husband and wife as Joint Tenants
				STORAGE	65							TION	Max A. & Vergie A. Kennon Executor Deed - Leila M. Ke Executor Deed to Harry L. Finch to Kirk A. & Kirk A. Booth, an unmarrie Christine Fry, husband and
	stine Fry		1	יייי	4.2768	:						DESCRIPTION	Max A Execut Execut Harry Kirk A Christ
	8 JIII Chri	IV 89447	1		3 000	3.000	1					DATE	09/19/83 10/09/90 12/11/90 04/21/98 09/11/03
	77925 Paul J. Fry, III & JIII Christine Fry	P. O. Box 44 Wellington, NV	; ;						TION:	NW 1/4 of SE 1/4, Sec. 27; T 11 N, R 23 E.	TORY		
Division #:	Card #: Name:	Address:	Court Decree:	YTIMOING		TOTAL			LEGAL DESCRIPTION:	NW 1/4 of SE 1/4 T 11 N, R 23 E.	DOCHWENT HISTORY	DOCUMENT #	#80415 #136869 #141630 #217726 #303883

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 85 of 383 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

- 41 11	K with R B wind	
Date: 4-05	Signature	
	Kenneth R. Burnett.	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu c Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked b a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beathe cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 86 of 383

	IN THE UNITED STATES I FOR THE DISTRICT							
	UNITED STATES OF AMERICA.	)						
	Plaintiff.	)						
	WALKER RIVER PAILTE TRIBE.	IN EQUITY NO. C-125						
<del>(</del>	Plaintiff-Intervenor,	SUBFILE NO. C-125-B						
5	vs.	)						
9	WALKER RIVER IRRIGATION DISTRICT,	) )						
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE						
11	1. I hereby enter my appearance in this sub	p-proceeding in this case.						
12 13	2. I am filing this document with the Distr	ict Court at the following address:						
14	Chief Deputy Clerk United States District Court for the							
15	District of Nevada 400 South Virginia Street, Su te 301 Reno, Nevada 89501							
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu c						
17	Summons. I am mailing a copy of this document to:							
13	Susan L. Schneider	_						
19	Attorney for the United States of Americ United States Department of Justice							
20 21	Environment & Natural Resources Divis P.O. Box 756 Littleton, Colorado 80160	ion						
22	4. I (or the entity on whose behalf I am action	ng) will retain all defenses or objection:						
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec-							
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.							
25	5. If I (or the entity on whose behal! I am acting) have retained an attorney to represent							
26	me in these proceedings. I identify that attorney below,	along with his or her mailing address.						
27	telephone number, and facsimile number:							
28								
	NOTICE OF APPEARANCE AND INTERES NO PARTIC	Take name 1 of 2						

## Case 3:73-cv-00127-MMD, WGC Document 650 Filed 05/09/05 Page 87 of 383 Address: Phone Number: Fax Number: Kant R.B. (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 16 Crosby Lm (Address) 775-465-2141 (Telephone number)

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 88 of 383 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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Date: 4-4-05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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## Case 3:73<sub>T</sub>cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 89 of 383

	-    ·							
;	IN THE UNITED STATES DISTRICT COURT . FOR THE DISTRICT OF NEVADA							
	UNITED STATES OF AMERICA.							
	Plaintiff.							
÷	WALKER RIVER PAILTE TRIBE. ) IN EQUITY NO. C-125							
7	Plaintiff-Intervenor, SUBFILE NO. C-125-B							
8	vs.							
9	WALKER RIVER IRRIGATION DISTRICT,							
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE							
11	1. I hereby enter my appearance in this sub-proceeding in this case.							
12	2. I am filing this document with the District Court at the following address:							
13	Chief Deputy Clerk United States District Court for the							
14	District of Nevada							
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501							
16 17	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu							
13	Summons, I am mailing a copy of this document to:							
19	Susan L. Schneider Attorney for the United States of America							
20	United States Department of Justice Environment & Natural Resources Division							
21	P.O. Box 756 Littleton, Colorado 80160							
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection							
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe							
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.							
25	5. Fill (or the entity on whose behalf I am acting) have retained an attorney to represe:							
26	me in these proceedings. I identify that attorney below, along with his or her mailing addres							
27	telephone number, and facsimile number:							
23								

Case 3:7	-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 90 of 383
2	•
3	Address:
4	
5	•
6	Phone Number:
7	Fax Number:
8	Frank But
9	(Signature)
10	
11	Sharon L. Burnet
12	(Printed or typed Name)
13	
14	
15	(Entity, if any, on whose behalf you are appearing)
16	16 Crosby Lane
17	Smith, NV 894
18	(Address) 775-465-2141
19	(Telephone number)
20	
21	
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## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 91 of 383 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: 3- 22-05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_\_\_\_\_

Joseph P. & Norma J. Cabral 2002 Revocable Living Trust

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 92 of 383

2 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAILTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk 14 United States District Court for the District of Nevada 15 400 South Virginia Street, Su te 301 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu c Summons, I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 22 I (or the entity on whose behalf I am acting) will retain all defenses or objection to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen 25 me in these proceedings. I identify that attorney below, along with his or her mailing address. telephone number, and facsimile number: 27 2.8 NOTICE OF APPEARANCE AND INTENT 10 PARTICIPATE, page 1 of 2

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Case 3:73	-cy-00127-MMD-WGC Docume	ent 650 Filed <u>0</u> 5/09/05 Page 93 of 383
2		
3	Address:	
4		
5	•	
6	Phone Number:	
7	Fax Number:	
8		Harma & Cabral
9		(Signature)
10		
11		NORMA J CABRAL
12		(Printed or typed Name)
13		Trustee,
14		Joseph P. & Norma J. Cabral 2002 Revocable Living Trust
15		(Entity, if any, on whose
16		behalf you are appearing)
17		0.4.40
18		(Address) Welling
19		(Telephone number)
20		(Telephone number) 175-465-9089
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25	<b>:</b> :	
26	•	<b>;</b>
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ii ii		

### Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 94 of 383

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

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Date:  $\frac{2 - 22 - 05}{}$ 

JOSEPH P CARRAL SR .

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_\_\_\_\_\_\_of

(Title)

Loseph P. & Norma J. Cabral 2002 Revocable Living Trus (Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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	<sup>→</sup> il							
	IN THE UNITED STATES D FOR THE DISTRICT O							
	UNITED STATES OF AMERICA,	)						
	Plaintiff.	) )						
	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125						
e	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B						
7	vs.	) )						
9	WALKER RIVER IRRIGATION DISTRICT,	) ) )						
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE						
11								
12	1. I hereby enter my appearance in this sub-							
13	2. I am filing this document with the Distriction	ct Court at the following address:						
14	Chief Deputy Clerk United States District Court for the							
15	District of Nevada 400 South Virginia Street, Suite 301							
16	Reno, Nevada 89501							
17	3. In the envelope provided for return of my	Waiver of Service of Notice in Lieu c						
13	Summons, I am mailing a copy of this document to:							
:9	Susan L. Schneider Attorney for the United States of America	a						
20	United States Department of Justice Environment & Natural Resources Divisi	on						
21	P.O. Box 756 Littleton, Colorado 80160							
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26	me in these proceedings. I identify that attorney below, along with his or her mailing address.							
27	telephone number, and facsim:le number:	· -						
2.8	•							

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

#### -cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 96 of 383 Case 3:73 Attorney: 2 Address: 3 4 5 Phone Number: 6 Fax Number: 7 Joseph & Call h 8 (Signature) 9 10 JOSEPH P CABRAL SR 11 (Printed or typed Name) 12 13 Trustee, Joseph P. & Norma J. Cabral 2002 Revocable Living Trust 14 (Entity, if any, on whose 15 behalf you are appearing) 16 PO Box 82 WELLINGTON NV 8944 17 (Address) 18 775-465 2082 19 (Telephone number) 20 21 22 23 24 25 26 27 28

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#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain	n all d	efenses or	r objections	s to the lav	vsuit
or to the jurisdiction or venue of the Court except for objections	based	on a defe	ct in the N	otice in Li	en of
Summons or in the service of the Notice in Lieu of Superiors					

Date: MARCH 18, 2005

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: TRUSTEE of

The Bill E. CARLEUN And Shapen M. CARLEW Family Trust. (Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the wa ver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service e Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

1 2 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. 9 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 15 400 South Virginia Street, Suite 301 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 17 Summons. I am mailing a copy of this document to: 18 Susan L. Schneider 19 Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 21 Littleton, Colorado 80160 22 4 I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 27 telephone number, and facsimile number: 28

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

### -cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 99 of 383 1 Attorney: 2 3 Address: 4 5 Phone Number: 6 7 Fax Number: 8 9 (Signature) 10 Bill E. CARLSON-TrusTa 11 (Printed or typed Name) 12 The Bill E. CARLSON and Shano. 13 M. CARLSON FAMILY TRUST. 14 (Entity, if any, on whose 15 behalf you are appearing) 16 195 Hudson Autom Pd 17 (Address) 1.8 775- 465-2148 19 (Telephone number) 20 21 22 23 24 25

26

27

28

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER FAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: MARCH 16-2005

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service e Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in au of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

1				
2	IN THE UNITED STATES FOR THE DISTRICT	DISTRICT COURT OF NEVADA		
3	UNITED STATES OF AMERICA,	)		
4	Plaintiff,			
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125		
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B		
7	vs.	)		
8 9	WALKER RIVER IRRIGATION DISTRICT a corporation, et al.,	) ) )		
10	NOTICE OF APPEARANCE AND I	NTENT TO PARTICIPATE		
11	1 Thanking a second			
12	<ol> <li>I hereby enter my appearance in this :</li> <li>I am filing this document with the Di</li> </ol>			
13		strict Court at the following address:		
14	Chief Deputy Clerk United States District Court for the District of Nevada			
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501			
16 17	3. In the envelope provided for return of	my Waiver of Service of Notice in Lieu of		
18	Summons. I am mailing a copy of this document to:			
19	Susan L. Schneider Attorney for the United States of Ame			
20	United States Department of Justice Environment & Natural Resources Di			
21	P.O. Box 756 Littleton, Colorado 80160	AIZIOII		
22		cting) will retain all defenses or objections		
- 1	to the lawsuit or to the jurisdiction or venue of the co			
l l	in the Notice in Lieu of Summons or in the service of			
5	•	eting) have retained an attorney to represent		
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- 11	me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, and facsimile number:			
8	, and the second of the second			
	NOTICE OF ADDEADANCE AND TARREST TO DAD	TOTD		

# Case 3:78-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 102 of 38

1	Attorney:	
2		
3	Address:	
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6	Phone Number:	
7	Fax Number:	0//
8		Big 4. Gale
9		(Signature)
10		
11		Bill E. CARLSON
12		(Printed or typed Name)
13		
14		/E-tip. is-
15		(Entity, if any, on whose behalf you are appearing)
16	•	195 Hudson Aurora Rd.
17		Saith, NU 89430 (Address)
18		725-465-2148
19		(Telephone number)
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### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schneider, attorney for the United States of America

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be selved with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

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### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been ght in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service on Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

## Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 105 of 38

1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	$\sim$
8		Sparn M. Calsan
9		(Signature)
10		
11		Sharon M. CARLSON
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose
16		behalf you are appearing) 195 Hudson Autora Rd.
17		Smith NU 89420
18		(Address)
19		775-465-2148 (Telephone number)
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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 106 of 38

1	
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
3	UNITED STATES OF AMERICA,
4	Plaintiff, )
5	WALKER RIVER PAIUTE TRIBE.   IN EQUITY NO. C-125
6	Plaintiff-Intervenor, ) SUBFILE NO. C-125-B
7	vs. )
8	)
9	WALKER RIVER IRRIGATION DISTRICT, ) a corporation, et al., )
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-proceeding in this case.
12	I am filing this document with the District Court at the following address:
13	Chief Deputy Clerk
14	United States District Court for the District of Nevada
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of
17	Summons. I am mailing a copy of this document to:
18	Susan L. Schneider
19	Attorney for the United States of America
20	United States Department of Justice Environment & Natural Resources Division P.O. Box 756
21	Littleton, Colorado 80160
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf (am acting) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below, along with his or her mailing address,
27	telephone number, and facsimile number:
28	
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

Exhibit 32

	3-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 107 of 38
1	Attorney:
2	A Jdames.
3	Address:
4	· -
5	Phone Number:
6	
7	Fax Number:
8	(Signature)
9	
10	VElizabeth K Carrisce
11	(Printed or typed Name)
12	
13	
14	(Entity, if any, on whose
15	behalf you are appearing)  ## F Oin Canch Rd
16	Molluton NV. 89444
17	(Address)
18	V 775-465-9793 (Telephone number)
19 20	(Telephone number)
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28	nage 2 of 2
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 2 of 2

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 108 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

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	Kaj Wilana	
Date: 3 -/8 - 05	Signatures W. Carrosco	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Tatle)	
	(Corporate, Trust, Partnership or other entity)	

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 109 of 38

1		
2	IN THE UNITED STATES DI FOR THE DISTRICT O	ISTRICT COURT F NEVADA
3	UNITED STATES OF AMERICA,	· )
4	Plaintiff.	) )
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125
6	Plaintiff-Intervenor.	SUBFILE NO. C-125-B
7	vs.	
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10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11		ding in this case
12	1. I hereby enter my appearance in this sub	
13	<ol><li>I am filing this document with the Distri</li></ol>	ect Court at the following address:
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15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
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18	Susan L. Schneider	
19 20	Attorney for the United States of Americ United States Department of Justice Environment & Natural Resources Divis	
21	P.O. Box 756 Littleton, Colorado 80160	
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27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT 'O PARTI	CCIPATE, page 1 of 2

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 110 of 38 Attomey: Address: Phone Number: Fax Number: (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Telephone number)

### Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 111 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

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Summons or in the service of the Notice in Lieu of Summons

Date: 3-23-05

Lawrence B. Masini

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_\_\_\_ of

(Corporate, Trust, Partnership or other entity)

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

-			
2		IN THE UNITED STATES D FOR THE DISTRICT O	ISTRICT COURT OF NEVADA
3	UNITED ST	ATES OF AMERICA.	)
4		Plaintiff.	) )
5	WALKER R	IVER PAIUTE TRIBE.	) IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.		) )
8		IVER IRRIGATION DISTRICT,	ĺ
9	a corporation		<b>S</b>
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13		Susan L. Schneider	
19		Attorney for the United States of Americ United States Department of Justice	
20		Environment & Natural Resources Divis P.O. Box 756	sion
21		Littleton, Colorado 80160	
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27	telephone nun	nber, and facsimile number:	
28			
			1 - 4 2

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 113 of 38 Attorney: Address: Phone Number: Fax Number: (Signature) B. Masini (Printed or typed Name) Pres. Casino West (Entity, if any, on whose behalf you are appearing) (Telephone number)

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 114 of 38

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schneider, attorney for the United States of America

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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3 - 15 - 05	Signature HELEN Chase	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that you	are
	4!	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service to Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

7		
2	IN THE UNITED STATES DIS FOR THE DISTRICT OF	
3	UNITED STATES OF AMERICA.	
5	Plaintiff, )	
6	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125
7	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
8	vs.	
9	WALKER RIVER IRRIGATION DISTRICT, ) a corporation, et al., )	
10	NOTICE OF APPEARANCE AND INTE	ENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-p	proceeding in this case.
12	2. I am filing this document with he District	t Court at the following address:
13	Chief Deputy Clerk United States District Court for the	
15	District of Nevada 400 South Virginia Street, Suit: 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of my	Waiver of Service of Notice in Lieu of
17	Summens, I am mailing a copy of this document to:	
19	Susan L. Schneider Attornev for the United States of America	
20	United States Department of Justice Environment & Natural Resources Division	
21	P.O. Box 756 Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acting	g) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court	except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the	Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acting	g) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below,	along with his or her mailing address,
27	telephone number, and facsimile number:	
28		

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 116 of 38 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Telephone number)

65 Highway 208 South  Verington, NV 83447  Co. A. M. Local No. 3  Verington, NV 83447  Co. A. M. Local No. 3  Verington, NV 83447  Co. A. M. Local No. 3  Verington, NV 83447  Co. A. M. Local No. 3  Verington, NV 83447  Co. A. M. Local No. 3  Verington, NV 83447  Co. A. M. Local No. 3  Verington, NV 83447  Co. A. M. Local No. 3  Verington, NV 83447  Verington, NV 83447  Co. A. M. Local No. 3  Verington, NV 83447  Verington, NV 84447  Verington, NV	8500					YERINGT	YERINGTON, NEVADA						
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11; E. Description 06/16 06/07/89 Eugene Thomas & Doma Jeanne Balaam Thomas to Barbara H, Wilson. 06/07/89 Barbara H, Wilson to Russell E. & Helen B. Chase. 06/02/86 Russell E. & Helen B. Chase to Snyder Livestock Co., Inc., (160 Ac., Retaining 10 Ac.).	<del></del>	10.000	3.2076	#) ()	1.5444	15.440							- 0
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-		05/02/85	Russell E.	& Helen B	. Chase to Snyc	der Livestock C	.o., Inc., (150 Ac.	Retaining 10	90.1			:	ne
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# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 118 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000) two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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5. I (or the entity on whose behalf I am acting) will reta	ain all defenses or objections to the lawsuit
or to the jurisdiction or venue of the Court except for objection	s based on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons.	

Date: 3-12-05

Tallata C

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 119 of 38

-		
2	IN THE UNITED STATES D FOR THE DISTRICT O	ISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	
4_	Plaintiff.	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11		in this case
12	1. I hereby enter my appearance in this sub	
13	2. I am filing this document with the Distri	ct Court at the following address.
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	<ol> <li>In the envelope provided for return of m</li> </ol>	y Waiver of Service of Notice in Lieu (
17	Summons, I am mailing a copy of this document to:	
13	Susan L. Schneider	
19	Attorney for the United States of Americ United States Department of Justice	
20	Environment & Natural Resources Divis P.O. Box 756 Littleton, Colorado 80160	sion
21 22	4. I (or the entity on whose behalf I am acti	ng) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represe	
26	me in these proceedings. I identify that attorney below	, along with his or her mailing address
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PARTI	CIPATE, page 1 of 2

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2	2	
3	3 Address:	
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. 6	6 Phone Number:	
7	7 Fax Number:	
8	8	J. J. Carelle
9	و	(Signature)
10	0	
11	1	DAVIS U-CHILCOTE
12	2	(Printed or typed Name)
13	3	
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15	5	(Entity, if any, on whose behalf you are appearing)
16	6	2831 Huy 208
17	7	WELLINGTON, HUSSLY
18	8	(Address)
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NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 2 of 2

### Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 121 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of A nerica

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER I AIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan I. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objection; based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/16/05

Signature ( ) ( ) ( )

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: President

(Title)

Chiszim Ixc

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the vaiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 122 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/19/05

thaine

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_\_\_\_\_(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to coope ate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 123 of 38

1			
2	IN T	HE UNITED STATES D FOR THE DISTRICT O	ISTRICT COURT OF NEVADA
3	UNITED STATES OF AL	MERICA,	)
4	Plaintiff.		)
5	WALKER RIVER PAIUI	E TRIBE,	) IN EQUITY NO. C-125
6	Plaintiff-In	tervenor.	) SUBFILE NO. C-125-B
7			ý )
8	VS.	A TION DICTRICT	į́
9	WALKER RIVER IRRIG a corporation, et al.,	ATION DISTRICT,	) )
10	NOTICE OF	APPEARANCE AND IN	TENT TO PARTICIPATE
11	l. I hereby en	ter my appearance in this sub	n-proceeding in this case.
12			
13			ict Court at the following address:
14	Chief Depu United Stat District o	es District Court for the	
15		Virginia Street, Suite 301	
16	3. In the enve	lope provided for return of n	ny Waiver of Service of Notice in Lieu or
17	Summons. I am mailing a	copy of this document to:	
18	Susan L. So	chneider	
19	Attorney fo United Stat	r the United States of Ameri es Department of Justice	
20	Environme P.O. Box 7	nt & Natural Resources Divi 56	sion
21	Littleton, C	olorado 80160	
22	4. I (or the en	ity on whose behalf I am act	ing) will retain all defenses or objections
23	to the lawsuit or to the juri	sdiction or venue of the cou	rt except for objections based on a defect
24	in the Notice in Lieu of Su	mmons or in the service of the	he Notice in Lieu of Summons.
25	5. FifI (or the en	tity on whose behalf I am acti	ing) have retained an attorney to represent
26	me in these proceedings, l	identify that attorney below	, along with his or her mailing address,
27	telephone number, and fac	simile number:	
28			

Case 3:7	3-cy-00127-MMD-WGC Docum	ent 650 Filed 05/09/05 Page 124 of
2		
3	Address:	
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6	Phone Number:	
7	Fax Number:	
8		Claime C. Cis
9		(Signature)
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11		ELAINE C. CID
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose
16		behalf you are appearing)
17		1403 Hwy 208
18		(Address)
19		3-3987 (Telephone number)
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#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

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Date: 3/10/05

Signature

HARK N. ARRIGHI

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: TRUSTEE of

(Title)

WILLIAM G. CREMETT! TRUST

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 5 Page 126 of 38 LYON COUNTY, NEV. RECORD REQUESTED BY

Title Service & Escrow Co.

03 OCT 24 PM 3:57

MARY C. HILLIGAN

COUNTY RECORDER

A.P. No.

012-361-18

Escrow No.

142-2095988-NMP/TSL-25733

R.P.T.T.

\$130.00 390.00

WHEN RECORDED MAI'L TO:

Michael F. Neeper and Sandra M. Neeper

199 8th Street Norco, CA 92860

MAIL TAX STATEMENT TO:

Neeper 199 8th Street Norco, CA 92860

GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Donald G. Cutler and Dee Ann Cutler, husband and wife as joint tenants

do(es) hereby GRANT, BARGAIN and SELL to

Michael F. Neeper and Sandra M. Neeper, husband and wife as joint tenants with right of survivorship

the real property situate in the County of Lyon, State of Nevada, described as follows:

#### See Exhibit "A"

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 09/17/2003

306988

Exhibit 41

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 127 of 38

Donald G. Cutler

Ou anne Cutler

Dee Ann Cutler

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 128 of 38

STATE OF NEVADA	)
	: ss.
COUNTY OF	)
DOUGLAS	•
This instrument was a	knowledged before me on
October 3	3, 2003 by
ADonald G. Cutter and	d Dee Ann Cutler.
ALVIVI X	
	tary Public
(My commission explre	:s: <u>-2/2</u> X/(( <b>/_</b> )
	1

NOTARY PUBLIC
STATE OF NEVADA
County of Douglas
N. PETERSON
My Appointment Expires March 28, 2006

#### LEGAL DESCRIPTION

All that certain real property being a portion of the N 1/2 of SW 1/4 and SE 1/4 of SW 1/4 of Section 22 and a portion of NE 1/4 of NW 1/4 of Section 27, T 12 N, R 25 E, M.D.B.&M., also being a portion of Parcel A of Map No. 168510 Lyon County, Nevada, described as follows:

Parcel 3, as shown on the Parcel Map for Fonald G. Cutler and Dee Anne Cutler, recorded in the Official Records of Lyon County, Nevada, on March 31, 1995 as Document No. 180740.

361470

#### Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05 95 Page 130 of 38

RECORD REQUESTED BY

APN: 12-361-20

WESTERN TITLE CO. INC. 03 OCT 17 AM 10: 34

> MARY C. HILLIGAN COUNTY RECORDER

RPTT \$351,00

Name

WHEN RECORDED MAIL TO: STEVEN TOMAC

Street

39 panavista CIRCLE

Address City, State

Zip

MAIL TAX STATEMENTS TO:

Name Street STEVEN TOMAC SAMe

Address City.State

Zip Order

7131 LJI -112- LJI

No.

(SPACE ABOV & THIS LINE FOR RECORDERS USE)

#### JOINT TENANCY DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, DONALD G CUTLER and DEE ANNE CUTLER, husband and wife as joint tenants do(es) hereby GRANT, BARGAIN and SELL to STEVEN TOMAC and LAURA TOMAC, husband and wife as joint tenants with right of survivorship, and not as tenants in common, the real property situate in the. County of Lyon, State of Nevada bounded and described as follows:

See Exhibit A attached hereto and made a part hereof.

Together with all tenements, hereditaments and appurtenances, if any, thereto belonging or appertaining, and any revisions, remainders, rents, issues or profits thereof.

Dated: August 19, 2003

STATE OF NEVADA

}ss

This instrument was acknowledged before me on

SHERRY TIMM

Notary Public - State of Nevada Appointment Recorded in Lyon County

No: 01-71616-12 - Expires October 25, 2005

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 131 of 38

#### Exhibit A

All that real property situate in the County of Lyon, State of Nevada, described as follows:

All that certain real property being a portion of the N ½ of SW ¼ And SE ¼ of SW ¼ of Section 22 and a portion of NE ¼ of NW ¼ of Section 27, T 12 N, R 25 E, M. D. B.& M., Lyon County, Nevada, Being a portion of:

Parcel A, as shown on the Parcel Map for Joseph William Tibbals, recorded in the Official Records Of Lyon County, Nevada, on January 21, 1994, as Document No. 168103, and by Certificate of Amendment, recorded February 7, 1994, as Document No. 168510.

More particularly described as follows:

Parcel 1, as shown on the Parcel Map for Donald G. Cutler and Dee Anne Cutler, recorded in the Official Records of Lyon County, Nevada, on March 31, 1995, as Document No. 180740.

Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 132 of 38

LYON COUNTY, NEV. RECORD REQUESTED BY

A.P.N.:

012-361-19

File No:

142-2:115692 (NMP) /TSL-2-2347

R.P.T.T.:

\$2,281,50

Title Service & Escrow Co. 04 FEB 18 PM 3: 08

MARY C. HILLIGAN COUNTY RECORDER

FEE 16 DEP. ICK

When Recorded, Mail Tax Statements To: Gregg E. Lubbe and Sheliy Lubbe 9 Nordyke Road Yerington, NV

#### GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby act nowledged,

Wachovia Bank NA fka First Union National Bank

do(es) hereby GRANT, BARGAIN and SELL to

Gregg E. Lubbe and Shelly Lubbe, husband and wife as joint tenants  $\mathbf{M}_{\bullet}$ 

the real property situate in the County of Lyon, State of Nevada, described as follows:

#### See Exhibit "A"

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 01/27/2004

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 133 of 38

Wachovia Bank NA fka First Union National Bank	
(Allain	Sept.
By: Byron M₊ Linnen, Assistant Vice President	•
STATE OF North Carolina; ss.	
This Instrument was acknowledged before me on Tebro Wachovia Bank NA fka First Union National Bank.	11074 13, 2004 by
Hurndolyn H. Carothers) Notary Public	
(My commission expires:CLEVELAND, NC	

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 134 of 38

#### LEGAL DESCRIPTION

All that certain real property being a portion of the N 1/2 of SW 1/4 and SE 1/4 of SW 1/4 of Section 22 and a portion of NE 1/4 of NW 1/4 of Section 27, T 12 N, R 25 e, M.D.B.&M., also being a portion of Parcel A of Map No. 168510, Lyon County, Nevada, described as follows:

Parcel 2, as shown on the Parcel Map for Donald G. Cutler and Dee Anne Cutler, recorded in the Official Records of Lyon County, Nevada, on March 31, 1995 as Document No. 180740.

ATION DISTRICT YERING . . . , NEVADA WALKER RIVER

Division #:

Case 3:7

12 00 MĮ. WRID 06/30/04 FM 372A-3 12-361-18 DAGW 1411 182 Donald G. & Dee Ann Cutler, husband and wife as Joint Tenants to Michael F. & Sandra M. Neeper, husband and wife as Joint Tenants Lyon County No. Non Wtr Rt. Acres Acre Feet Storage Water Rt. Acres TOTAL ACRES ndex No. Claim No. 01/20/04 - Transferred from card #11604 - Cutler User# Offich # ME C 162 162 162 162 162 162 162 162 8 182 162 162 00 BRIDGEPORT RES Supplement to Order Approving Sale of Real Property Free & Clear of Liens & Encumbrances ACRE FEET Joseph William Tibbals aka Joseph W. Tibbals to Donald G. & Dee Anne Cutter, H&W as J.T. QC Deed - Carol Tibbals to Joseph William Tibbals, as his sole & separate property. 13.76 COMMENTS: Order Approving Sale of Real Property Free & Clear of Liens & Encumbrances TOPAZ RES ACRE FEET APPORTIONED ACRE FEET Joseph W. Tibbals to Helen Coxhead MacFarland (20 Ac.) A Parcel Map for Joseph William Tibbals (Parcel A). 13.751 000 000. 000 000 8 8 .043 000 486 183 12.705 268 077 TOTAL ACRE FEET REQUIRED Parcel Map for Donald G. & Dee Ann Cutler. Kay H. Bunn to Joseph W. & Carol Tibbals. Joseph William Tibbals to Carol Tibbals. Carol Tibbals to Joseph W. Tibbals. 3485 697 .9504 1.0771 2.0692 2534 PER ACRE STORAGE 30 34 DAYS F 22 99 DESCRIPTION 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 DUTY 4.2768 4.2768 4.2788 Michael F. & Sandra M. Neeper C-125, P.: 46; J.i. Wilson 350 350 380 2.640 460 3.290 170 740 110 170 ACRES 510 6.170 4,130 20.010 10/24/03 10/24/03 10/24/03 03/05/82 12/10/73 06/24/81 09/06/84 01/21/94 03/31/95 06/29/94 06/29/94 DATE Norco, CA 92860 Fi. S 1/2 of SW 1/4, Sec. 22; Fr. NE 1/4 of NE 1/4, Sec. 27; T. 12 N. R. 25 E. 199 8th St. 155 900 900 .042 .007 .063 603 .012 .002 800 50 Exhibit 42 36275 Parcel 3 of PM 180740 #70027 & # 70028 FURL DESCRIPTION DOCUMENT HISTORY Court Decree: DOCUMENT # PRIORITY #168103 #180740 TOTAL #172992 Address #172991 #306986 NEWL #17193 #88208 #306987 #306988 EXCL #61467 Card #: Name: 1862 1863 1864 1868 1869 1872 1878 1877 0,00 1890 1903 1861

D-WGC Document 650 Filed 05/09/05

Page 135 of 38

ATION DISTRICT .. NEVADA YERING, WALKER RIVER

Jivision #:

2 0 -MMD-WGC Document 650 Filed 05/09/05 Case Page FM-372A1 12-361-20 D& GW 2107 162 Lyon County No. Non Wtr Rt. Acres Acre Feet Storage Water Rt. Acres TOTAL ACRES index No. Claim No. User # 4/20/04 - Transferred from card #11602 - Cutter 디C C.A.M. 10.2 162 162 162 182 162 162 162 162 162 162 162 BRIDGEPORT RES. 8 ACRE PEET Joseph William Tibbals aka Joseph W. Tibbals to Donaid G. & Dee Anne Cutler, H&W as J.T. 13.78 COMMENTS QC Deed Carol Tibbals to Joseph William Tibbals as his sole & separate property. TOPAZ RES. ACRE FEET APPORTIONED 13.76 ACRE FEET 1 Joseph W. Tibbals to Helen Coxhead MacFarland (20 Ac.) A parcel map for Joseph William Tibbals (Parcel A). 000 000 000 8 8 000 043 .485 .183 13.756 258 12.710 000 077 TOTAL ACRE FEET REQUIRED Parcel Map for Donald G. & Dee Anne Cutler. Kay H. Bunn to Joseph W. & Carol Tibbals. Joseph William Tibbals to Carol Tibbals. Carol Tibbals to Joseph W. Tibbals. .697 2634 .3485 9504 1.0771 2.0592 PER ACRE STORAGE DAYS Ξ 23 30 34 8 DESCRIPTION 4.2768 7 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 C-125, P. 46; J.I. Wilson 360 350 340 2.640 ACRES .460 3.290 .170 7. Steven & Laura Tomac .670 .130 .510 170 6.170 4.130 20.000 Yerington, NV 89447 03/31/95 DATE 12/10/73 03/06/82 06/29/94 06/24/81 09/06/84 01/21/94 06/29/94 39 Panavista Cr. Fr. N 1/2 of SW 1/4, Sec. 22; T. 12 N., R. 25 E. 900 000 .053 0.12 .007 003 007 800 903 156 54960 Parcel 1 of PM 180740 #70027 & #70028 DOCUMENT HISTORY Court Decree: DOCUMENT # PRIORITY Address TOTAL NEWL #168103 #172991 #172992 #17193 Card #: #88208 #180740 EXCL 1862 1863 1864 1868 1869 1872 1875 1879 1890 1903 Name: 1861 1877 #61467

36 of 38

WRID 06/30/04

Donald G. & Dee Anne Cutler, husband and wife as Joint Tenants to Steven & Laura Tomac, husband and wife as Joint Tenants

Supplement to Order Approving Sale of Real Property Free & Clear of Liens & Encumbrances

Irrigation & Drainage Easement Agreement

Order Approving Sale of Real Property Free & Clear of Liens & Encumbrances

10/17/03

#306470

#306986 #306987

10/24/03 10/24/03

90/60/90

#322776

	!					]						
Name:	18347	16347									Index No.	_
į		IN INCIDENT OF			1						Lyon County No.	12-361-19
Address:	Mells Fa	Wells Fargo Home Mongage Inc. 3476 Stateview Roulevand	gage inc.		1						Claim No.	
	Fort MIII,	Fort Mill, SC 29718	2		i 1						User # Offich	3: MB T G
Court Decree:	C-126, P.	C-126, P. 46; J.I. Wilson										
				- Man								
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T. 12 N. R. 26 E.	. 26 E.		:					03/12/03 -	Transferred from	m card #11603	·Cuther	
DOCUMENT HISTORY:	i.											
DOCUMENT &		DATE	DESCRIPTION									
#17193		12/10/73	Key H. Bu	Key H. Bunn to Joseph W. & C.	ph W. & Carol 1	arol Tibbala.						
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#70027 & #70028	•	03/06/82	Carof Tibl	sof of sie	Carol Tibbals to Joseph W. Tibbals.							
#88208		08/06/B4	Joseph W	Tibbals to	Helen Coxhea	Joseph W. Tibbals to Helen Coxhead MacFarland (20 Ac.)	10 Ac.1.					
#168103		01/21/94	A Parcel h	ap for Jos	leph William Tib	A Parcel Map for Joseph William Tibbals (Parcel A).						
#172991		06/29/94	OC Deed.	Carol Tib	Mis to Joseph V	Villam Tibbals.	QC Deed - Carol Tibbals to Joseph William Tibbals, as his sole & separate Property	Vinerale Property	3			
#172992		06728794	Joseph W	Joseph William Tibbals aka Jo	als aka Joseph	W. Tibbala to D.	seph W. Libbala to Donald G. & Dee Anne Cutter, Law	Anne Cutter Ma				
#180740		03/31/96	Parcel Ma	Parcel Map for Donald G. & De	d G. & Dee Aren	e Arm Cutter.		, man , man	MY 48 4. I.			
#290#30		02/14/03	Trustee's Deed - Title Trust De	Deed - Till	Trust Deed Se	rvice Company	ed Service Company as Trustee to First Union National Bank Trustee the	fret Union Natio	Coal Rent Truck	<b>1</b>		
												90
												37

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 138 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (d	or the entity on who	se behalf I am actin	g) will retain all d	efenses or	objections to t	he lawsuit
or to the juris	diction or venue of	the Court except fo	r objections based	on a defec	t in the Notice	in Lieu of
Summons or	in the service of the	Notice in Lieu of S	Summons			

Date: 10/17/00

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: <u>Trustee</u>

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 139 of 38

1	.				
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA				
3	UNITED STATES OF AMERICA.				
4	Plaintiff.	<b>)</b>			
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125			
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B			
7	vs.	000111111110110111111111111111111111111			
8	j				
9	WALKER RIVER IRRIGATION DISTRICT, ) a corporation. et al.,				
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE			
11	1. I hereby enter my appearance in this sub-	proceeding in this case.			
12	2. I am filing this document with the Distric	ct Court at the following address:			
13	Chief Deputy Clerk				
14	United States District Court for the District of Nevada				
15	400 South Virginia Street, Saite 301 Reno, Nevada 89501				
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lie				
17	Summons. I am mailing a copy of this docu nent to:				
13	Susan L. Schneider				
19	Attorney for the United States of America United States Department of Justice	1			
20	Environment & Natural Resources Divisi P.O. Box 756	on			
21	Littleton, Colorado 80160				
22	4. I (or the entity on whose behalf I am actir	g) will retain all defenses or objectio			
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a de				
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.				
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to repres				
26	me in these proceedings, I identify that attorney below,	along with his or her mailing addres			
27	telephone number, and facsimile number:				
28					
	NOTICE OF APPEARANCE AND INTENT TO PARTIC	IPATE, page 1 of 2			

# Case 3:73 cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 140 of 38 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Telephone number)

## Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 141 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in I ieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susar L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 03 - 17 - 05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as Trustee of

Diehl Family 1999 Revocable Living Trust
(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 142 of 38

-				
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA			
3	UNITED STA	ATES OF AMERICA.	)	
4		Plaintiff.	) )	
5	WALKER RI	VER PAIUTE TRIBE.	) IN EQUITY NO. C-125	
6		Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7	vs.		) )	
8 9	WALKER RI a corporation.	VER IRRIGATION DISTRICT, et al.,	) ) )	
10	-	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE	
11	1.	I hereby enter my appearance in this sub	p-proceeding in this case.	
12	2.	I am filing this document with the Distri	ict Court at the following address:	
13		Chief Deputy Clerk		
14		United States District Court for the District of Nevada		
15		400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3.	In the envelope provided for return of m	y Waiver of Service of Notice in Lieu	
17	Summons, I a	m mailing a copy of this document to:		
- 3		Susan L. Schneider		
19		Attorney for the United States of Americ United States Department of Justice		
20		Environment & Natural Resources Divis P.O. Box 756	sion	
21		Littleton, Colorado 80160	· · · · · · · · · · · · · · · · · · ·	
22	4.	I (or the entity on whose behalf I am acti		
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a def			
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.			
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to repres			
26	me in these pr	oceedings. I identify that attomey below	, along with his or her mailing addres	
27	telephone num	iber, and facsimile number:		
28				
į.			_	

3:73	3 <sub>rcv</sub> -00127-MMD-WGC Doci	ument 650 Filed 05/09/05 Page 143 of 3
1	A ** a == a · · ·	
2		
3	Address:	
4		· •
5		
- 6	Phone Number:	
7	Fax Number:	Jagarof Daeld
8		VIII
9		(Signature)
10		
11		(Printed or typed Name)
12		Trustee of
13		Diehl Family 1999 Family Revocable Living Tru
14		(Entity, if any, on whose
15		behalf you are appearing)
16		327 BRONDING
17	,	Yorington, NU8944 (Address)
18		mandapille
19		(Telephone number) (775) 463-7813
20		(173)40) 70.5
21		
22		
23		
24	1	
25	; ·	
26	5	
27	7	
28	3	

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 144 of 38

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will recain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons

Date: 3 18 05

If you are acting on behalf of any entity, identify that you are

acting as: Surviving Trustee

(Title)

<u>Josepha Gladys Domenici Family Trust</u>

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 145 of 38

	ļ!
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
3	UNITED STATES OF AMERICA,
4	- N
5	WALKER RIVER PAIUTE TRIBE.  ) IN EQUITY NO. C-125
6	Plaintiff-Intervenor.  SUBFILE NO. C-125-B
7	vs.
8	WALKER RIVER IRRIGATION DISTRICT,
9	a corporation, et al.,
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-proceeding in this case.
12	2. I am filing this document w th the District Court at the following address:
13	Chief Deputy Clerk United States District Court for the
14	District of Nevada
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu
17	Summons, I am mailing a copy of this document to:
13	Susan L. Schneider Attorney for the United States of America
19	United States Department of Justice Environment & Natural Resources Division
20 21	P.O. Box 756 Littleton, Colorado 80160
	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection
22	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represe:
26	me in these proceedings, I identify that attorney below, along with his or her mailing addres
27	telephone number, and facsimile number:
28	
il.	NOTES OF ADELENATE AND THROW TO PARTICULAR TO A CONTROL TO THE CONTROL THE CONTROL TO THE CONTRO

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 146 of 38 Address: Phone Number: Fax Number: (Signature) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 147 of 38

APN: N/A

O 40800093

WHEN RECORDED MAIL TO:
MAIL TAX STATEMENTS TO:
Chris H. Gansberg, Jr. and
Faye E. Gansberg
2277 Foothill Road
Markleeville, CA 96120

LPTT#3

LYON COUNTY, NEV.
RECOFF REQUESTED BY
STEWART TITLE OF DOTO S

MARY C. MILLIGAN
COUNTY RECORDER

FEE DOEP.

#### GRANT, BARGAIN AND SALE DEED

THIS GRANT, BARGAIN AND SALE DEED is made and entered into this 15th day of May 2004, between DOUBLE JA LAND & LIVESTOCK, INC., ("Grantor") and CHRIS H. GANSBERG, JR. and FAYE E. GANSBERG, husband and wife, as community property with right of survivorship ("Grantees").

#### WITNESSETH:

THAT THE SAID GRANTOR, for and in consideration of the sum on One Dollar (\$1.00), lawful money of the United States of America, and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells and conveys unto Grantees and to their heirs, successors and a signs forever, all of the following described lot, piece or parcel of land, water rights, situate, lying and being in the State of Nevada, Lyon County, described as follows:

- A. See Exhibit "A" attached hereto and incorporated lerein by reference.
- B. The following described water rights on file at the Nevada State Engineer's office.
  - Proof of Appropriation 04230 (i) Permit12325, Certificate 3227 Permit 64014, Certificate 15640 Permit 12345, Certificate 3442 Permit 64013, Certificate 15639 Permit 12375, Certificate 3229 Permit 31197, Certificate 10155 Permit 12398, Certificate 3202 Permit 31198, Certificate 10156 Permit 12324, Certificate 3226 Permit 12280, Certificate 3207 Permit 12321, Certificate 3223 Permit 69801 Application70044 Permit 12323, Certificate 3225 Permit 2322, Certificate 3224 Application 70045

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 148 of 38

- (ii) All water rights of the Walker River, including decreed, stored or Newlands, as more particularly set forth in the action entitled United States v. Walker River Irrigation District, et al., in the United States District Court, for the District of Nevada, in Equity C-125, appurtenant to the real property described above. Said water being a portion of Claim No.'s 11 and 123, and Claim No. 143 of the above entitled Decree. Index Card No. s 13300, 13400, and 13500 of the Walker River Irrigation District are incorporated herein.
- C. Any and all stock, shares or certificates of water ownership, or right to utilize water conveyance systems which are appurtenant to the real property described above.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TOGETHER WITH, all water and water rights, ditch and ditch rights, well and well rights with the appurtenances, unto the said Grantees, and to their heirs, successors and assigns forever.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said Grantee and to their heirs, successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor has I ereunto executed this Grant, Bargain and Sale Deed the day and year first above written.

DOUBLE JA LANI! & LIVESTOCK COMPANY, INC., A NEVADA CORPORATION

By: John J. ASCOAGA, President ()

By: Roce L. acceaga

# : Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 149 of 38

STATE OF NEVADA	)	
	: ss.	
COUNTY OF WASHOE	)	,
This instrument was	acknowledged before me on the	e 15 day of May
2004, by John J. Ascuaga.	8	
	111	
Notary Public	The but	NANCY RAPP TRABERT Notary Public - State of Nevada Apponimant Recorded in Washoe County No: 94-0345-2 - Expires November 4, 2006
STATE OF NEVADA	)	
	: ss.	
COUNTY OF WASHOE	)	
2004, by Rose L. Ascuaga.	acknowledged before me on the	day of May.
Notary Public	Inkuct (	NANCY RAPP TRABER!  Notary Public - State of Nevada  Appointment Recorded in Washoe County  No. 94-04472 - Freigns November 4, 2006

#### EXHIBIT "A"

#### LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of LYON COUNTY, described as follows:

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE COUNTY OF LYON, STATE OF NEVADA, DESCRIBED AS FOLLOWS:

T 11 N, R 23 E, M.D.B.&M.:

SECTION 13:

THE EAST HALF OF THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER.

SECTION 24:

THE EAST HALF OF THE SOUTHEAST QUARTER; THE EAST HALF OF THE NORTHEAST QUARTER; THE NORTHWEST QUARTER; THE EAST 200 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER; THE EAST 200 FEET OF THE SOUTHWEST QUARTER.

T 11 N, R 24 E, M.D.B.&M.:

SECTION 7:

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THE SOUTH HALF OF THE SCUTHEAST QUARTER AND THE NE 1/4 OF THE SE 1/4, EXCEPTING THEREFROM PARCELS 1 AND 2 AS SHOWN ON LYON COUNTY PARCEL MAP 278755.

SECTION 18:

THE SW 1/4, THE E 1/2 OF THE NW 1/4, THE SW 1/4 OF THE NW 1/4, THE W 1/2 OF THE NE 1/4 AND THE N 1/2 OF THE NE 1/4 OF THE NE 1/4.

SECTION 19:

THE SW 1/4, EXCEPTING THEREFROM THAT PORTION CONVEYED TO H.B. GAGE, H.M. SCHOOLEY AND JOHN MCVICAR, TRUSTEES OF THE VALLEY GROVE CEMETERY ASSOCIATION AND THEIR SUCCESSORS IN OFFICE, BY DEED RECORDED APRIL 19, 1901 IN BOOK N. OF DEEDS, PAGE 237, LYON COUNTY NEVADA, RECORDS.

ALSO IN SECTION 19: ALL OF LOTS 1 AND 2 EXCEPT A STRIP OF LAND ALONG THE EAST BOUNDARY OF SAID LOTS BEING 52 RODS WIDE AT THE NORTH END AND 26 RODS WIDE ATTHE SOUTH END.

ASSESSOR'S PARCEL NO. 10-421-06 AND 13

"IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE HEREIN

ABOVE LEGAL DESCRIPTION WAS TAKEN FROM INSTRUMENT RECORDED DECEMBER 26, 2002, AS FILE NO. 287912, RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, STATE OF NEVADA."

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# WALKER RIVER IS. ATION DISTRICT YERINGTON, NEVADA

Divistor #:

19250	Chris H. Gansberg, Jr.	Faye E. Gansberg	2277 Foothill Road	Markieeville, CA 96120
Card #:	Name:		Address:	

312 10-421-06

index No. Lyon County No.

Card #:	19250										Index No.	312
Name:	Chris H. G	Chris H. Gansberg, Jr.									Lyon County No.	21-06
	Faye E. Gansberg	ansberg									Claim No.	
Address:	2277 Foothill Road	hill Road			1						User #	803
	Markieevii	Markleeville, CA 96120									Ditch	it Walker
Court Decree:	C-125, P. 4	C-125, P. 42; Settelmeyer, F. W.	r, F. W.									: <b>7</b> 3
				40.14			H H					3-0
PRIORITY	C.F.S.	ACRES	¥Troa	STORAGE	PER ACRE	ACRE TEE REGUINED	ACKE FEET APPORTIONED	ACRE FEET	BRIDGEPORT RES. ACRE FEET	CLAIM #	TOTAL ACRES	24 I
1862	810.	1.330	3.2076			000				143		OC
1863	1.019	84.920	3.2078			.000				143	Water Rt. Acres	247.170
1868	.132	16.170	3.2076			000.				143	Non Wir Rt. Acres	<b>8</b> .
1878	.357	29.750	3.2076	17	.4039	12.016				143	-	<b>7-</b> [
NEWL		116.000	3.2076	98	1.5444	179.160					Acre Feet Storage	VI Ţ
TOTAL	1.524	247.170				191.166	181.17	191.17	00.			
LEGAL DESCRIPTION:	NC:							COMMENTS		-		F
SW 1/4, Sec. 19;	19;						34 38 44 5 1	06/16/04	06/16/04 - Transferred from Double JAL & L Co.	m Double JA	L&LCo card #13500,	13600, O
E 1/2 of SE 1/	( 24 E. /4, Fr. W 1/2 c	of SE 1/4, Sec. 2	24;			( (40) (4)				:		C
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#49.219		99/60/90	Fred W.	& Katle A.	Fred W. & Katle A. Settelmeyer to I	Plymouth Land	to Plymouth Land & Livestock Co.					m
#09352		01/26/72	Plymouth	h land & s	thick Co to Doc	this IA I said R. I	Plymouth Land & Stock Co to Double 1A Land & Livertook Co. Inc.					e
#322107		06/01/04	Double J	A Land an	Double JA Land and Livestock Company, Inc.,	mpany, Inc., a N	Double JA Land and Livestock Company, Inc., a Nevada corporation to Chris H. Gansberg, Jr. and Faye E.	on to Chris H. (	Sansberg, Jr. an	d Faye E. Ga	Gansberg, husband and wife as	Ind wife as
#322108		06/01/04	Referenc	References water				A MANAGEMENT OF THE PARTY OF TH				65
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											M	RID 06/30/04

# WALKER RIVER I ATION DISTRICT

Division #:

Lyon County No. Index No.

	TENING I ON, INEVADA
Card #:	19261
Name:	Chris H. Gansberg, Jr.
	Faye E. Gansberg
Address:	2277 Foothill Road
	Markleeville, NV 96120

Faye E. Gansberg	2277 Foothill Road	Markleeville, NV 96120
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	,										noex No.	9/7	
Name:	Chris H. (	Chris H. Gansberg, Jr.			1						Lvon County No.	10-421-13	C
	Faye E. Gansberg	ansberg									Claim No.		as
Address:	2277 Foo	2277 Foothill Road			1						licer #	203	şe
	Markleeville, NV	IIIe, NV 96120			I						Direh.	Minet Minister	) (e
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PHIORI I	0.1.8	ACRES	ÀLING M	STORAGE	PER ACRE	TOTAL	APPORTIONED	ACRE FEET	ACRE FEET	CLAIM #	TOTAL ACRES	32	32; <u>\</u>
NEWL		320.000	4.2768	99	2.0592	658.940							OC
TOTAL		320.000				658.940	658.94	658.94	00.		Water Rt. Acres	32	320.000
											Non Wir Rt. Acres		<u>2</u> 7
											Acre Feet Storage	99	-M <b>E</b> /II
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14.000000000000000000000000000000000000						•		8/12/02 - (	8/12/02 - Changed APN				'G
E 1/2 of SE 1/4, Sec. 13;	f, Sec. 13;							6/16/04	Transferred from	n Double JA L	8/16/04 - Transferred from Double JA L & L Co crd #13400, user #הגח	)0, user	C
T 11 N, R 23 E.	4, Sec. 24; 23 E.							-					Do
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#09362		01/26/72	Plymouth	Land & Liv	Plymouth Land & Livestock Co. to	Double JA Land	to Double JA Land & Livestock Co., Inc.	) Inc.					ηε
17		ū6/24/02	rarcei Ma	tor Doub	ile JA Land and	Parcel Map for Double JA Land and Livestock Co.							en
#322107		06/01/04	Double JA	A Land and ty property	Double JA Land and Livestock Con community property with right of s	ompany, Inc., a N survivorship	evada corporati	on to Chris H. (	Gansberg, Jr. an	d Faye E. Ga	Double JA Land and Livestock Company, Inc., a Nevada corporation to Chris H. Gansberg, Jr. and Faye E. Gansberg, husband and wife as community property with right of survivorship	nd wife as	t 6
#322108		06/01/04	References water	es water									<b>5</b> (
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ATION DISTRICT	NEVADA
ALKER RIVER IF	YERINGTU

Division #:

Card #:	19262										Index No.	241A 276
Name:	Chris H. G	Chris H. Gansberg, Jr.									Lyon County No.	10-421-13
	Faye E. Gansberg	ansberg			١						Claim No.	511118123
Address:	2277 Foothill Road	thill Road			[						User #	S03
	Markleevi	Markleeville, CA 96120									Ditch	West Walker
Court Decree:	C-126, P.	C-125, P. 38; McVicar#111 P.38; Plymouth L&L Co.	1 P.38; Plyn	nouth L&L	ço.							3:7
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PRIORITY	C.F.S.	ACRES	DUTY	STORAGE	PER ACRE TEET REQUIRED	REQUIRED	ACRE FEET APPORTIONED	ACRE FEET	BRIDGEPORT RES. ACRE FEET	CLAIM #	TOTAL ACRES	Ç.
1862	900	420	3.2078			ÜÜÜ				444		<b>/-0</b>
1863	.336	28.000	3.2076			000				=======================================	Water Rt. Acres	62030
1864	1.332	111.000	3.2076			000.				123	Non Wir Rt. Acres	17030
1868	090	6.000	3.2076			000				#	<u> </u>	7-
1869	.370	30.830	3.2076			000				123	Acre Feet Storage	N.
1878	.740	46.250	4.2768	13	.6386	24.910				123		M
1878	.116	9.580	3.2076	4	.4039	3.869				111		D
1878	1.792	149.330	3.2076	17	.4039	60.314				123		)-V
1885	096	80.000	3.2076	29	689	65.120				123	<b>.</b>	<b>V</b> (
1864	.720	60.000	3.2076			000				123	,	30
EXCL		17.020	3.2076			000					1	
TOTAL	6.430	537.430				144.214	144.21	144.21	90.		·	Do
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Fr. W of NW, Sec. 19;	Sec. 19;			:		100	100	8/12/02 - C	thanged APN	da in senara i	purchant mi auss	ent
SW of SE, Se	7. 13; 7. 13;			3				£145/04	ransferred from	n Double JA !	Land & Livestock C.	6 card
NW of NE, E. T 11 N, R	200 ft. in SW 23 E.	NW of NE, E. 200 ft. in SW of NESec. 24; T 11 N, R 23 E.							York Inch Inch			50
DOCUMENT HISTORY:	RY:			**								Fi
DOCUMENT #		DATE	DESCRIPTION	NO								le
#09362		01/28/72	Plymoutl	h Land & Li	vestock Co. to	Double JA Land	1 & Livestock Co	)., Inc. (combine	ed with 241-A le	ss Plymouth	Co.).	
#278765		06/24/02	Parce! M	ap for Dou	ble JA Land & L	Ivestock Comp	any (APNs 10-42	11-11 & 10-421-1	12 non-water rig	hted land)		<b>)</b> 5
#322107		06/01/04	Double J property	A Land and with right	d Livestock Cor of survivorship	mpany, Inc., a N	evada corporati	on to Chris H. G	ansberg, Jr. &	Faye E. Gans	sberg, husband and	wife as community
#33108		06/01/04	Referenc	es Water								9/(
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												38
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; N of NW, Sec. 18;	. 24;	

NE of SE, S of SE, SE of SW, Sec. 7; N of NE, W of NE, E of NW, SW of NW. Sec. 18; Fr. W of NW, Sec. 19; T 11 N, R 24 E. SW of SE, Sec. 13; NW of NE, E. 200 ft. in SW of NESec. 24; T 11 N, R 23 E.	DOCUMENT HISTORY:

DOCUMENT HISTORY:		
DOCUMENT #	DATE	DESCRIPTION
#09352	01/28/72	Plymouth Land & Livestock Co. to Double JA Land & Livestock Co., Inc. (combined with 241-A less Plymouth Co.).
#278765	06/24/02	Parcel Map for Double JA Land & Livestock Company (APNs 10-421-11 & 10-421-12 non-water righted land)
#322107	06/01/04	Double JA Land and Livestock Company, Inc., a Nevada corporation to Chris H. Gansberg, Jr. & Faye E. Gansberg, husband and wife as common to the second common common to the second common comm
		property with right of survivorship
#33108	06/01/04	References Water

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 154 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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	Friderick ( Wholes	
Date:	Signature	
	Frederick E. Alpers	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that you a	ire
	acting as: Co-Trustee	of
	(Title)	
	F & B Trust	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service e Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

1			
2	IN THE UNITED STATES D FOR THE DISTRICT O		
3	UNITED STATES OF AMERICA,	)	
4	Plaintiff,	) )	
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7	vs.	) }	
8	WALKER RIVER IRRIGATION DISTRICT. a corporation, et al.,	) ) )	
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE	
11	I hereby enter my appearance in this sub	p-proceeding in this case.	
12	2. I am filing this document with the District Court at the following address:		
13	Chief Deputy Clerk		
14	United States District Court for the District of Nevada 400 South Virginia Street, Suita 301		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu of	
17	Summons. I am mailing a copy of this document to:		
3	Susan L. Schneider		
19	Attorney for the United States of Americ United States Department of Justice		
20	P.O. Box 756		
21	Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections		
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf am actir	ng) have retained an attorney to represent	
6	me in these proceedings, I identify that attorney below,	along with his or her mailing address,	
7	telephone number, and facsimile number:		
8			
	NOTETOE OF ADDEADANCE AND INTERNET TO DARWE	TTTNEE DOGG 1 of 2	

## Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 156 of 38 Attorney: 1 2 Address: 3 4 5 Phone Number: 6 Fax Number: 7 Frederick Ellpen 8 (Signature) 9 10 11 Frederick E. Alpers (Printed or typed Name) 12 13 14 F & B Trust (Entity, if any, on whose 15 behalf you are appearing) 16 192 Hudson Aurora Rd. 17 Smith. NV 89430 (Address) 18 <u>775- 463-2106</u> 19 (Telephone number) 20 21 22 23 24 25 26 27 2.8

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 157 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in L eu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-19-05

Signature

Barbara L. Alpers

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: <u>Co-Trustee</u>

(Title)

F & B Trust

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the apposing parties are unfounded, or that the action has been ught in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service he Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

_			
2	FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.		
4	Plaintiff.		
5	WALKER RIVER PAIUTE TRIBE. ) IN EQUITY NO. C-125		
6	Plaintiff-Intervenor, ) SUBFILE NO. C-125-B		
7	) vs. )		
8 9	WALKER RIVER IRRIGATION DISTRICT, ) a corporation, et al., )		
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE		
11	1. I hereby enter my appearance in this sub-proceeding in this case.		
12			
13	2. I am filing this document with the District Court at the following address:		
14	Chief Deputy Clerk United States District Court for the		
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of		
17	Summons, I am mailing a copy of this document to:		
13	Susan L. Schneider		
19 20	Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division		
21	P.O. Box 756 Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections		
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent		
26	me in these proceedings. I identify that attorney below, along with his or her mailing address,		
27	telephone number, and facsimile number:		
28			
-			

# Case 3:78-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 159 of 38

1	1 Attorney:	
2	2	
3	3 Address:	
4	4	
5	5	
6	6 Phone Number:	
7	7 Fax Number:	Pa 1 1
8	8	Carbara Mysers
9	و ا	(Signature)
10	0	
11	1	Barbara L. Alpers
12	2	(Printed or typed Name) Co-Trustee
13	3	
14	4	F & B Trust
15	5	(Entity, if any, on whose behalf you are appearing)
16	5	192 Hudson Aurora Rd
17	7	Smith. NV. 89430
18	3	(Address)
19	<b>&gt;</b>	775-465-2106 (Telephone number)
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21		
22		
23	3	
24		
25		į
26		••
27		
28		

## Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 160 of 38

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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5. I (or the entity on whose behalf I am acting) will retain	all defenses or objections to the lawsui	t
or to the jurisdiction or venue of the Court except for objections h	based on a defect in the Notice in Lieu o	f
Summons or in the service of the Notice in Lieu of Summons	1	_

Date: 3/17/05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_\_\_\_

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in 1 of Summons), and may later object to the jurisdiction of the court or to the place where the act on has been brought.

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 161 of 38

_		
2	FOR THE DISTRICT OF NEVADA	
દ	UNITED STATES OF AMERICA.	
4	Plaintiff.	
5	WALKER RIVER PAIUTE TRIBE.   IN EQUITY NO. C-125	
6	Plaintiff-Intervenor, SUBFILE NO. C-125-B	
7	vs.	
8 9	WALKER RIVER IRRIGATION DISTRICT.  a corporation. et al.,	
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE	
11		
12	1. I hereby enter my appearance in this sub-proceeding in this case.	
13	2. I am filing this document with the District Court at the following address:	
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of	
17	Summons, I am mailing a copy of this documen: to:	
13	Susan L. Schneider	
19	Attorney for the United States of America United States Department of Justice	
20	Environment & Natural Resources Division P.O. Box 756	
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent	
26	me in these proceedings, I identify that attorney below, along with his or her mailing address,	
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2	

# Case 3:78-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 162 of 38 Attomey: Address: Phone Number: Fax Number: (Signature) DIANNE FASIAS (Printed or typed Name) FANIASLIC (Éntity, if any, on whose behalf you are appearing) (Address) (Telephone number)

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 163 of 38

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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Date: 3-17-05

Signature

ELL is N FARIAS

Printed/Typed Nam:

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

Farias

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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# Case 3:73 cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 164 of 38

_			
2	FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff.	<b>)</b>	
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.	) )	
8 9	WALKER RIVER IRRIGATION DISTRICT. a corporation, et al.,	) ) )	
10	NOTICE OF APPEARANCE AND IN	FENT TO PARTICIPATE	
11			
12	1. I hereby enter my appearance in this sub		
13	2. I am filing this document with the District Court at the following address:		
14	Chief Deputy Clerk United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of n	ny Waiver of Service of Notice in Lieu	
17	Summons. I am mailing a copy of this document to:		
18	Susan L. Schneider		
19	Attorney for the United States of Ameri United States Department of Justice		
20	Environment & Natural Resources Division P.O. Box 756	sion	
21	Littleton, Colorado 80160		
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24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen		
26	me in these proceedings. I identify that attorney below	, along with his or her mailing address	
27	telephone number, and facsimile number:		
28			
	NOTICE OF APPEARANCE AND INTENI TO PARTI	CIPATE, page 1 of 2	
- 13			

ase 3:73	-cv-00127-MMD-WGC	Document 650 Filed 05/09/05 Page 165 of 38
1	Attorney:	Document 650 Filed <u>05/09/05</u> Page 165 of 38
2		
3	Address:	
4		·
5		
6	Phone Number:	
7	Fax Number:	
8		Ell Harmi
9		(Signature)
10		
11		ELLIS N FARIAS
12		(Printed or typed Name)
13		
14		Pantner - Farias LLC
15		(Entity, if any, on whose
16		behalf you are appearing)
-		Po Bax 27
17		Wellington Nev 89444 (Address)
18		445-2123
19		(Telephone number)
20		
21		
22		
23		
24		
25	<b>:</b>	•
26	:	
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Ci .		

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 166 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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	Earnen Larias	
Date: 3-18-05	Signature	
	Carmen +ARIAS	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that yo	ou are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver

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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 167 of 38

-			
2		IN THE UNITED STATES I FOR THE DISTRICT	DISTRICT COURT OF NEVADA
3	UNITED ST	TATES OF AMERICA.	)
4	<u>}</u>	Plaintiff.	
S	WALKER F	LIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.		)
8	WALKER R	UVER IRRIGATION DISTRICT.	) }
10	•	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	1.	I hereby enter my appearance in this su	b-proceeding in this case.
12	2.	I am filing this document with the Dist	
13		Chief Deputy Clerk	
14		United States District Court for the District of Nevada 400 South Virginia Street, Suite 301	·
15		Reno, Nevada 89501	
16	3.	In the envelope provided for return of r	ny Waiver of Service of Notice in Lieu o
17	Summons. I am mailing a copy of this document to:		
13		Susan L. Schneider	
19		Attorney for the United States of Amer United States Department of Justice	
20		Environment & Natural Resources Divi P.O. Box 756	ision
21		Littleton, Colorado 80160	
22	4.	I (or the entity on whose behalf I am ac	ting) will retain all defenses or objections
23	to the lawsui	t or to the jurisdiction or venue of the cou	irt except for objections based on a defec
24	in the Notice	in Lieu of Summons or in the service of t	the Notice in Lieu of Summons.
25	5. 🗧	If I (or the entity on whose behalf I am act	ing) have retained an attorney to represen
26	me in these p	proceedings, I identify that attorney below	v, along with his or her mailing address,
27	telephone nu	mber, and facsimile number:	
28			

# Case 3:78-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 168 of 38 Attomey: Address: Phone Number: б Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 18 Routa 338 (Address) (Telephone number)

### Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 169 of 38 3 4 IN THE UNITED STATES DISTRICT COURT 5 FOR THE DISTRICT OF NEVADA 6 7 UNITED STATES OF AMERICA. 8 In Equity No. C-125-ECR Plaintiff. 9 Subfile No. C-125-B WALKER RIVER PAIUTE TRIBE. 10 NOTICE OF CHANGE OF OWNERSHIP OF WATER RIGHT Plaintiff-Intervenor. 11 V. 12 WALKER RIVER IRRIGATION DISTRICT, 13 a corporation, et al., 14 Defendants. 15 16 The undersigned counter-defendant in the above action hereby notifies the Court and the 1 United States that the undersigned (or the entity on whose behalf the undersigned is acting) has 18 sold or otherwise conveyed ownership of all or a portion of a water right within one or more of 19 the categories set forth in Paragraph 3 of the Case Management Order and provides the 20 following information: 21 The name and address of the party or parties who sold or otherwise conveyed 1. ownership: 2. Ellis Norman Farias and Dianne Farias 24 Name(s) 25 P. O. Box 27 Wellington, NV 89444 Street or P.O. Box 26 27 Exhibit 49

NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 1 of 3

	73- <u>cv</u> -00127	Lew MM-7	Meten Docu	IMPent 650	09年iled 05/09/05 F	age 170 of 38
2	2. T	ne name and	d address of ea	ich person or	entity who acquired owne	ership
3						
4	Travis E. Myers and Francine L. L. Myers Name(s)					
5						
6	2773 Hwy 208					
7			llington m or Cury	NV State	89444 ZipCode	
8	3. A	ttached to o	r included with	h this notice i	is a copy of the (check ap	propriate
9	box(es)):					
10		XX	Deed			
11			Court Order			
12			Other Documen	nt.		
13	by which the cha	ange in owne	ership was acc	omplished.		
14	4. T	he undersign	ned acknowled	lges that any	person or entity who files	a Notice of
15	Change of Owne	ership of Wa	ter Right usin	g this form is	ultimately responsible fo	r the accuracy
16	of this filing. Co	onsequently,	the undersign	ed acknowled	dges that any person or en	itity who files
;-					·	
18			_			
19	•	This n	ouce shall be se	ent to the follo	wing two persons:	
20	] 	inda Lea Sha	rer, Chief Depu	ırv Clerk		
21	ป	inited States I	District Court for Innia Street, Sui	or the District	of Nevada	
22	R	eno, NV 895	01			
23	<u>.</u>	<u>nd</u>			•	•
24		usan L. Schni	eider Department of J	ustice		•
25	P	.O. Box 756 littleton, CO				
26						
	- :-					

NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIF, page 2 of 3

Case 3	:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 171 of 38
2	litigation.
3	
4	Executed this 18 day of March 2001.
5	
6	
7	[signature of counter-defendant]
8	Ell Noon, Jan
9	Ellis Norman: Farias and
10	Dianne Farias
11	[name of counter-defendant]  Ellis N FARIAS  Dianne FARIAS
12	DiAnne FARIAS
13	[signature, if applicable, of person acting on behalf of counter-defendant]
14	
15	
16	name, if applicable, of person acting on behalf of counter-defendant]
17	
18	
19	P. O. Box 27 Wellington, NV 89444
20	[address]
21	775-465-2123
22	[telephone number]
23	
24	
25	
26	
27	
28	NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 3 of 3

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/20/05 Page 172 of 38 LYON COUNTY, NEV.

RECORD REQUESTED BY

APN 10-651-09 Document Transfer Tax \$975.00 Order No. TSL-26937 Mail Tax, Bill to Grantee: 2773 Hwy 208

NORTHERN NEVADA TITLE CO. 04 SEP -3 AM IO: 52

MARY C. FULLIGAN COUNTY RECORDER

FEE 1500 DEP. DW

SPACE ABOVE FOR RECORDER'S USE ONLY

GRANT; BARGAIN and SALE DEED

receipt of which is hereby CONSIDERATION, FOR A VALUABLE acknowledged

ELLIS NORMAN FARIAS and DIANNE FARIAS, husband and wife

do (es) hereby GRANT, BARGAIN and SELL TO

TRAVIS E. MYERS and FRANCINE L.L. MYERS, husband and wife as Joint Tenants with the Right of Survivership

the real property situate in the County of Lycn, State of Nevada, described as follows:

Beginning at a point at a fence corner at the Northeasterly corner of the parcel and along the Westerly side of the State Highway, said point further described as bearing North 69°43'30" West a distance of 864.33 feet from the section corner common to Sections 1, 2, 11 and 12, Township 10 North, Range 23 East; thence South 50°59' East along the Westerly side of the State Highway, a distance of 88.00 feet to a point; thence South 38°58' West a distance of 530.00 feet to a point on the Easterly slope of the Plymouth Ditch; thence North 35°11' West along the Easterly slope of said ditch, a distance of 91.50 feet to a point at the fence corner; thence North 38°58' East along the fence line a distance of 505.10 feet to the point of beginning.

Reference is hereby made to that certain Record of Survey for Ellis Norman Farias, recorded in the Official Records of Lyon County, Nevada on August 19, 2004 as Document No. 328857.

Note: Legal Description previously contained in document recorded March 10, 2003 as Document No. 292199. po

330250

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 173 of 38

TOGETHER WITH all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainders, rents, issues or profits thereof.

DIANNE FARIAS SS.

STATE OF NEVADA

COUNTY OF LYON

on Sept. 1, 2001 personally appeared before me, a Notary Public (or Judge or other authorized person, as the case may be), ELLIS NORMAN FARIAS and DIANNE FARIAS, who acknowledged to me that they executed the within instrument.

STEPHANIE L. JACKSON Notary Public - State of Nevada Appointment Recorded in Lyon County No: 97-3155-12 - Expires August 25, 2005

44.

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 174 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-18-05

Signature ,

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_\_\_\_\_(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 175 of 38

1					
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA				
ڌ	UNITED STATES OF AMERICA,				
4	Plaintiff.				
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125			
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B			
7	vs.				
8	WALKER RIVER IRRIGATION DISTRICT, 2 corporation. et al.,				
10	NOTICE OF APPEARANCE AND ENT	ENT TO PARTICIPATE			
11	I hereby enter my appearance in this sub	-proceeding in this case.			
12	2. I am filing this document with the Distri	ct Court at the following address:			
13	Chief Deputy Clerk United States District Court for the District of Nevada				
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501				
16	3. In the envelope provided for return cf m	y Waiver of Service of Notice in Lieu (			
17	Summons. I am mailing a copy of this document to:				
19	Susan L. Schneider Attorney for the United States of Americ	ca			
20	United States Department of Justice Environment & Natural Resources Divis				
21	P.O. Box 756 Littleton, Colorado 80160				
22	4. I (or the entity on whose behalf! am act	ing) will retain all defenses or objection			
23	to the lawsuit or to the jurisdiction or venue of the cour	t except for objections based on a defec			
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.				
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen				
26	the state of the s				
27	telephone number, and facsimile number:				
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A. A. C.		
Case 3:7	-cy-00127-MMD-WGC Docume	ent 650 Filed 05/09/05 Page 176 of 38
1	Attomey:	
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3	Address:	
4		
5	·	
6	Phone Number:	
7	Fax Number:	
8		Marcha Carlas
9		(Signature)
10		
		HAROLD WFARIAS
11		(Printed or typed Name)
12		
13		_
14		(Entity, if any, on whose
15		behalf you are appearing)
16		18 Route 338 WELLINGTON NV 8944C
17		(Address)
18		(775) 465-2277
19		(Telephone number)
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## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 177 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schmeider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-17-05

Signature

ELLis // Fchairts
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 178 of 38

-				
2	IN THE UNITED STATES DI FOR THE DISTRICT O	STRICT COURT F NEVADA		
3	UNITED STATES OF AMERICA.			
4	Plaintiff.			
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125		
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B		
7	vs.			
8	WALKER RIVER IRRIGATION DISTRICT, ) a corporation. et al			
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE		
11	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	-proceeding in this case.		
12				
13		or come at the following amount		
14	Chief Deputy Clerk United States District Court for the District of Nevada			
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501			
16	3. In the envelope provided for return cf m	y Waiver of Service of Notice in Lieu (		
17	Summons. I am mailing a copy of this document to:			
18	Susan L. Schneider Attorney for the United States of Arterio	ra		
19 20	United States Department of Justice Environment & Natural Resources Divis			
21	P.O. Box 756 Littleton, Colorado 80160			
22	4. I (or the entity on whose behalf I am acti	ng) will retain all defenses or objection		
23	to the lawsuit or to the jurisdiction or venue of the cour			
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.			
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen			
26	me in these proceedings. I identify that attorney below, along with his or her mailing address			
27	telephone number, and facsimile number:			
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4 - 1				

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

e 3:73	cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page	179 of 38
1	Attomey:	
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3	Address:	
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- 6	Phone Number:	
7	Fax Number:	
8	Oll H Jan	<u>`</u> _
9	(Signature)	
10		
11	ELLis N FAIRITE (Printed or typed Name)	<u>.                                    </u>
12	(Fillied of typed Name)	
13	1 1.4 -	1 1
14	(Entity, if any, on whose	wheel 1st
15	behalf you are appearing)	
16	po Box 27 Well	croton
17	Mirada 77. (Address)	444
18	<u>465-2123</u>	
19	(Telephone number)	
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## Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 180 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/20/05

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 181 of 38

-		
2	IN THE UNITED STATES FOR THE DISTRICT	DISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	)
4	Plaintiff,	)
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7		)
8	VS.	<u> </u>
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	<b>)</b>
10	NOTICE OF APPEARANCE AND IN	ITENT TO PARTICIPATE
11	<ol> <li>I hereby enter my appearance in this st</li> </ol>	ib-proceeding in this case.
12	2. I am filing this document with the Dist	trict Court at the following address:
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return cf	my Waiver of Service of Notice in Lieu c
17	Summons. I am mailing a copy of this document to:	
13	Susan L. Schneider	
19	Attorney for the United States of Amer United States Department of Justice	rica
20	Environment & Natural Resources Div P.O. Box 756	rision
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am ac	cting) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen	
26	me in these proceedings. I identify that atterney below, along with his or her mailing address	
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PART	ricipate, page 1 of 2

#### Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 182 of 38 Attomey: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 11 hongview LANE Wellington No (Address) (175)465-9012 (Telephone number)

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 183 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIJUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons

, ,	Sill - Fine	
Date: 3/18/05	Signature Lilt- Fine	
•	Printed/Typed Name	
	If you are acting on behalf of any entity, identify the	at you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu o Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beat the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:78-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 184 of 38

ll.	ा. nugp aer		
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.	1 1	
4	Plaintiff.	1	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.	) )	
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) )	
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE		
11	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	p-proceeding in this case.	
12	2. I am filing this document with the Distr	ict Court at the following address:	
13	Chief Deputy Clerk		
14 15	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301		
16	Reno Nevada 89501	ny Waiver of Service of Notice in Lieu c	
17	[	ny 11 mr. oz oz	
13	Summons. I am mailing a copy of this document to:		
19	Susan L. Schneider Attorney for the United States of America Attorney for the United States of America		
20	United States Department of Justice Environment & Natural Resources Division P.O. Box 756		
21	Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection		
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am ac	5 If I (or the entity on whose behalf I am acting) have retained an attorney to represent	
25	me in these proceedings. I identify that attorney belo	ow, along with his or her maining address	
27	telephone number, and facsimile number:		
28			
		meanage 1 of 2	

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

Cas	e 3:73	-cy-00127-MMD-WGC Docum	nent 650 Filed-05/09/05 Page 185 of 38
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	3	Address:	
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	15		behaif you are appearing)
	16		Dellington, NV 87444
	17		(Address)
	18		(775) 465-90/2
	19		(Telephone number)
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## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 186 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schreider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: Wax 21, 2005	Signature Ruth Fletcher	
	Printed/Typed Name  If you are acting on behalf of any entity, identify that you acting as:  (Title)	u are of
	(Corporate, Trust, Partnership or other entity)	

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service to Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in a court that lacks jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. IN EQUITY NO. C-125 5 WALKER RIVER PAIUTE TRIBE, 6 SUBFILE NO. C-125-B Plaintiff-Intervenor. 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 I hereby enter my appearance in this sub-proceeding in this case. 1. I am filing this document with the District Court at the following address: 12 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 16 3. Summons. I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf "arm acting) will retain all defenses or objections 4. 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf "am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

#### Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 188 of 38 Attorney: 1 2 Address: 3 4 5 Phone Number: б Fax Number: 7 X Ruth Filetcher 8 (Signature) 9 10 Ruth Fletcher 11 (Printed or typed Name) 12 13 14 (Entity, if any, on whose 15 behalf you are appearing) P. O. Box 6 16 Smith, NV 89430 17 (Address) 18 775-465-1098 (Telephone number) 19 20 21 22 23 24 25 26 27 28

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 189 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PATTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Sammons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain	all defenses or objections to the lawsuit
or to the jurisdiction or venue of the Court except for objections b	
Summons or in the service of the Notice in Lieu of Summons	$\sim$

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action of over its person or property. A party who waives service 2 Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in cof Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver to m, provide the court and DOJ attorney S. Schneider with tice of appearance and intent to participate.

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 190 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3 20 65

Signature

Dennis

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Partner (Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu o Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beathe cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service he Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified or the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 191 of 38

-			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
1:1	UNITED STATES OF AMERICA.	)	
4	Plaintiff.	)	
153	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.	) )	
8	WALKER RIVER IRRIGATION DISTRICT, a corporation. et al.,	) ) )	
10	NOTICE OF APPEARANCE AND IN	FENT TO PARTICIPATE	
11	I. I hereby enter my appearance in this sub	o-proceeding in this case.	
12	2. I am filing this document with the Distr		
13	Chief Deputy Clerk		
14	United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of n	ny Waiver of Service of Notice in Lieu	
17	Summons. I am mailing a copy of this document to:		
13	Susan L. Schneider	ion.	
19	Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division		
20	P.O. Box 756 Littleton, Colorado 80160	31011	
21		ting) will retain all defenses or objection	
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe		
23			
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.  5. : If I (or the entity on whose behalf "am acting) have retained an attorney to represe:		
25			
26	me in these proceedings. I identify that attorney below, along with his or her mailing address		
27	telephone number, and facsimile number:		
28		- 6.0	
	NOTICE OF APPEARANCE AND INTENT TO PART	ICIPATE, page 1 of 2	

Case 3:73		ent 650 Filed-05/09/05 Page 192 of 38
1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	•
7	Fax Number:	
8		
9		(Signature)
10		No. 1 Maria
11		(Printed or typed Name)
12		mrtner
13	·	Flying A Linited Part
14		(Entity, if any, on whose
15		behalf you are appearing)
16		P.O. Box 34
17		(Address)
18		475-465-2358
19		(Telephone number)
20		
21		
22		
23		
24		
25	; ·	مسمور
26	;	
27		·
28		

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 193 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PACUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 4/8/05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as

1 (Title) / / m/

(Corporate, Trust. Parmership or other entit

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service in Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in the of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with notice of appearance and intent to participate.

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 194 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

porate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu o Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bea the cost of such service unless good cause be shown for its failure to sign and return the wanver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 195 of 38

_			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff.	<u> </u>	
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7	vs.	)	
8	WALKER RIVER IRRIGATION DISTRICT.	)	
9	a corporation, et al.,  NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE	
10	NOTICE OF APPEARANCE, AND ID	(IL.VI IOI/MILIOILIUS	
11	<ol> <li>I hereby enter my appearance in this st</li> </ol>	ib-proceeding in this case.	
12	2. I am filing this document with the Dist	trict Court at the following address:	
13	Chief Deputy Clerk		
14	United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of	my Waiver of Service of Notice in Lieu	
17	Summons. I am mailing a copy of this document to:		
13	Susan L. Schneider		
19	Attorney for the United States of Amer		
20	Environment & Natural Resources Div P.O. Box 756	rision	
21	Littleton, Colorado 80160		
22		cting) will retain all defenses or objection	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I are acting) have retained an attorney to represe		
26	me in these proceedings. I identify that attorney below	w, along with his or her mailing addres	
27	telephone number, and facsimile number:		
28			

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 196 of 38 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 197 of 38

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/20/05

ighature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Fartner

\_\_\_ 01

Flying A Limited

Corporate. Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to be the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has be brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives servi the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice u of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider wintice of appearance and intent to participate.

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 198 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver cf service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/20/05

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Partner of

Flying A Limited Fartnership

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu o Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bea the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 199 of 38

=		
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
(1)	UNITED STATES OF AMERICA.	
4	Plaintiff.	
r)	WALKER RIVER PAILTE TRIBE. IN EQUITY NO. C-125	
6	Plaintiff-Intervenor, SUBFILE NO. C-125-B	
7	vs. ,	
8	WALKER RIVER IRRIGATION DISTRICT,	
9	a corporation, et al	
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE	
11	<ol> <li>I hereby enter my appearance in this sub-proceeding in this case.</li> </ol>	
12	2. I am filing this document with the District Court at the following address:	
13	Chief Deputy Clerk	
14	United States District Court for the	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu	
17	Summons. I am mailing a copy of this document to:	
13	Summons: 1 and manning 2 copy of the Susan L. Schneider	
19	Attorney for the United States of America United States Department of Justice	
20	Environment & Natural Resources Division	
21	P.O. Box 756 Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defer	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent	
26	me in these proceedings. I identify that attorney below, along with his or her mailing address	
_ 27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2	

3:73	<u> </u>	Document 650 Filed 05/09/05 Page 200 of 3
1	Attorney:	
2		
3	Address:	
4		•
5		
- 6	Phone Number:	
7	Fax Number:	De lin Bunkous
8		(Signature)
9		∨(2ignatime)
10		Julius Bunkow
11		(Printed or typed Name)
12		Partner,
13		Mying A Limited Belows
14		Entity, if any, on whose
15		behalf you are appearing)
16		In The Mevada 8 94.
17		(Address)
18		775-465-2358
19		(Telephone number)
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## Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 201 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this insument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Linu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu c Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked b a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bea the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has bee brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in 1 of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with tice of appearance and intent to participate.

#### Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 202 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/20/05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: ..

PARTNERS

Comprate Trust Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 203 of 38

1			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff.	,	
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7	VS.	)	
89 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	}	
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE	
11	<ol> <li>I hereby enter my appearance in this su</li> </ol>	b-proceeding in this case.	
12	2. I am filing this document with the Distr	rict Court at the following address:	
د 1	Chief Deputy Clerk		
14	United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of n	ny Waiver of Service of Notice in Lieu o	
17	Summons. I am mailing a copy of this document to		
18	Susan L. Schneider		
19	Attorney for the United States of Ameri United States Department of Justice	ica	
20	Environment & Natural Resources Division P.O. Box 756		
21	Littleion, Colorado 80160		
22	4. I (or the entity on whose behalf "am acting) will retain all defenses or objection		
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec-		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen		
26	me in these proceedings. I identify that attorney below, along with his or her mailing address		
27	telephone number, and facsimile number:		
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	NOTICE OF APPEARANCE AND INTENT TO PART	icipate, page 1 of 2	

# Case 3:7 3-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 204 of 38

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#### Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 205 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 206 of 38

	1)		
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff.	) )	
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125	
é	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7	vs.	) }	
a	WALKER RIVER IRRIGATION DISTRICT,	()	
9	a corporation, et al.,	<b>,</b>	
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE	
	I hereby enter my appearance in this sub	p-proceeding in this case.	
12	2. I am filing this document with the Distri		
13	_		
14	Chief Deputy Clerk United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno. Nevada 89501		
16	3. In the envelope provided for return of m	w Waiver of Service of Notice in Lieu (	
17			
18	Summons. I am mailing a copy of this document to:		
. 0	Susan L. Schneider Attorney for the United States of America		
20	United States Department of Justice Environment & Natural Resources Divis	sion	
2:	P.O. Box 756 Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am acti	ng) will retain all defenses or objection	
2.3	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen		
26	me in these proceedings. I identify that attorney below, along with his or her mailing address		
27	telephone number, and facsimile number:		
3			
	NOTICE OF APPEARANCE AND INTENUE TO PARTI	CIPATE, page 1 of 2	

Case 3:73	cv-00127-MMD-WGC Documen	t 650 Filed_05/09/05 Page 207 of 38
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## Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 208 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: 3-17-05

Signature

NENDELL FERRESTER

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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Case 3:73-	cy-00127-MMD-WGC Docun	nent 650 Filed-05/09/05 Page 209 of 38
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	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE, page 2 of 2

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 210 of 38

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Date: 3-17-05

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_\_\_\_\_(Title)

(Corporate, Trust, Partnership or other entity)

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# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 211 of 38

- 1	Mind of Park			
2		IN THE UNITED STATES FOR THE DISTRIC	5 DISTRI T OF NE	ICT COURT EVADA
3	UNI	TED STATES OF AMERICA.	)	
4		Plaintiff.	)	IN EQUITY NO. C-125
5	∥ ∥WAl	LKER RIVER PAIUTE TRIBE.	)	SUBFILE NO. C-125-B
É		Plaintiff-Intervenor,	)	20BLET HOLD
7		vs.	)	
8	WA	ALKER RIVER IRRIGATION DISTRICT, orporation, et al.,	)	PELCURATE
9	ii I	NOTICE OF APPEARANCE AN		
11	. ]] - ]]	1. I hereby enter my appearance in the	his sub-pro	oceeding in this case.
12	2	<ol> <li>I hereby enter my appearance to a filling this document with the</li> </ol>	B District C	Court at the following address:
1:	4	Chief Deputy Clerk United States District Court for the District of Nevada 400 South Virginia Street, Suite	he 301	
1	li	<ol> <li>In the envelope provided for retu</li> </ol>	an of my \	Waiver of Service of Notice in Lieu c
1	7 S1	ummons. I am mailing a copy of this documer	it to:	
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	9	United States Department of Sac Environment & Natural Resource	stice ces Divisio	חס
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	- !1	4. I (or the entity on whose behalf to the lawsuit or to the jurisdiction or venue o	I am actin	g) will retain all defenses or objection except for objections based on a defec
	23 1	to the lawsuit or to the jurisdiction or venue of	rice of th	e Notice in Lieu of Summons.
	24	in the Notice in Lieu of Summons or in the set	filam acti	ng) have retained an attorney to represen
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	26	rne in these proceedings, I identify that attended		
	27	telephone number, and facsimile number:		
	23	NOTICE OF APPEARANCE AND INTENT	TO PART	CIPATE, page 1 of 2

## Case 3:78-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 212 of 38 Attomey: Address: Phone Number: Fax Number: (Entity, if any, on whose behalf you are appearing) (Telephone number)

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 213 of 38

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

- Susan L. Schneider, attorney for the United States of America TO:
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Date: 6-9-04/

GERGIE W FBASER Printed/Typed Name If you are acting on behalf of any entity, identify that you are

acting as \_\_\_\_OW777ER

(Corporate, Trust, Partnership or other entity)

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a notice of appearance and intent to participate.

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed-05/09/05 Page 214 of 38

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

	James 11 Julilon	
Date: 3-21-2005	Signature Same it Fulstone.	
	Printed/Typed Name  If you are acting on behalf of any entity, identify that you a	are of
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu ( Summons and the First Amendec Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked b a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to be: the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has bee brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service he Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice i

of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider wit a notice of appearance and intent to participate.

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed-05/09/05 Page 215 of 38

T.	t Inappia P		
-	IN THE UNITED STATES DISTRICT COURT		
2	FOR THE DISTRICT O	F NEVADA	
- 11	UNITED STATES OF AMERICA.	) )	
4	Plaintiff.	) =01000 NO C-125	
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.	) )	
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	)	
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE		
11	1. I hereby enter my appearance in this sub-proceeding in this case.		
12	2. I am filing this document with the District Court at the following address:		
13	Chief Deputy Clerk		
14	United States District Court for the District of Nevada 400 South Virginia Street, Suite: 301 Reno, Nevada 89501		
15			
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu o		
17	Summons. I am mailing a copy of this document ic:		
13	Susan L. Schneider Attorney for the United States of America		
- 0	United States Department of Justice Environment & Natural Resources Division		
20	P.O. Box 756 Littleton, Colorado 80160		
21	will retain all defenses or objection		
22	4. I (or the entity on whose behalf I am except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections below the lawsuit or to the jurisdiction or venue of the lawsuit or to the lawsuit of the lawsuit or to the lawsuit or		
23	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
24	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen		
25 26	me in these proceedings. I identify that attorney below, along with his or her mailing address		
25	telephone number, and facsimile number:		
28	NOTICE OF APPEARANCE AND INTENT TO PAR	TICIPATE, page 1 of 2	

## Case 3:7\$-cv-00127-MMD-WGC Document 650 Filed-05/09/05 Page 216 of 38 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 154 - Lower Colony (Address) 775-465-2373 (Telephone number)

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A.P.N. 14-301-03

Escrow No.: LY-302643-DA RPTT \$121.55, computed on full

RECORDING REQUESTED BY:

Northern Nevada Title Company

MAIL TAX STATEMENTS AND WHEN

RECORDED, MAIL TO:

Scott D. Rader

3155 Lucerne Way

Sparks, NV 89431

UFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY

NORTHERN NEVADA TITLE CO. (13 AUG - 1 PM 3: 11

> MARY C. HILLIGAN COUNTY RECORDER

43° m

THIS SPACE FOR RECORDER'S USE ONLY

GRANT, BARGAIN, SALE DEED

That Paul Gelles and Eleanor C. Gelles, Husband and Wife and Paul J. Gelles and Lynne R. Gelles, Husband and Wife as Joint Tenants with Right of Survivors air Consideration of \$10.00 Dollars, the receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, well and Convey to Scott D. Rader and Krys Rader, Husband and Wife as Joint Tenants with Right of Survivors betail that real property in the County of Lyon, State of Nevada, bounded and described as follows:

See Exhibit "A" attached hereto and made a part hereof

TOGETHER WITH ALL WATER AND WATER RIGHTS APPURTENANT OBSCRIBED PROPERTY.

THEHEREIN

Together with all singular the tenements, hereditaments and appurtenances thereu ato belong to thin anywise appertaining.

**Traced:** July 25, 200<u>3</u>

-

Eleanor C. Gelles

SIGNED IN COUNTERPART

Paul J. Gelles

SIGNED IN COUNTERPART

Lynne R. Gelles

301412

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	Andrew of the state of the stat
STATE OF)	
COUNTY OF)	
On personally appeared before who acknowledged that they executed the above instrument	ore me, a Notary Public, <u>Faul Gelles and Eleanor C. Gelles</u>
Signature (Notary Public)	
- W	
STATE OF Ylaho	
COUNTY OF BINGWAM )	
	ore me, a Notary Public, Faul J. Gelles and Lyane R. Gelles
Signature Ulil Pulley (Notary Public)	THE PULL PARTY OF THE PARTY OF
Commission axpiles: 3-17-200	
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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 219 of 38

LY-302643-DA 302643

#### EXHIBIT "A" ATTACHED TO GRANT, BARGAIN, SALE DEED

#### EXHIBIT "A"

All that certain real property situate in the county of Lyon, State of Nevada, described as follows:

A parcel of land located in Section 33, Township 14 North, Range 25 East, M.D.B.&M. and described as follows:

Commencing at the North of corner of Section 33, Township 14 North, Range 25 East, M.D.B.&M., from whence the North of the of said Section 33 bears N 89° 51' 49" W; thence S 01° 20' 44" W a distance of 2699.72 feet to be paint of beginning; thence around the parcel as follows:

S 0° 17' 46" W along the Western all the lower of State Route 95A a distance of 282.89 feet; thence S 89° 10' 16" W a distance of 199.86 feet; thence S 78° 27' 30" W a distance of 193.50 feet; thence S 03° 57' 43" W a distance of 227.85 feet; thence S 03° 57' 43" W a distance of 57.02 feet to the South line of the "Painter Property" as shown of May File No. 103717, Lyon County Records; thence N 89° 40' 00" W a distance of 858.81 feet; thence N 05' 161-23" E a distance of 652.20 feet to the South line of Penrose Country Club Estates Map File No. 91° 49, I pon County Records; thence S 89° 38' 00" E along said line a distance of 924.60 feet to a rock wall; thence S 02° 38' 16" W a distance of 1.97 feet to the Southwest corner of the wall; thence along the Southwest corner of the wall; thence along the Southwest corner of 86.93 feet; thence S 89° 32' 15" Y a distance of 87.11 feet; thence S 89° 02' 51" E a distance of 100.58 feet; thence S 54° 19' 28" E a distance of 45.07 feet; thence S 57° 12' 48" E a distance of 36.30 feet to the true point of beginning.

Reference is hereby made to that certain Record of Survey / Boundary Line Adjustment for Doris J. Thompson and Paul Cielles & Eleanor C. Gelles, recorded in the Officia. Results of Lyon County, Nevada on July 7, 1999 as Document No. 236141 and as amended by Carriccate of Amendment recorded July 15, 1999 as Document No. 236451.

Note: Legal description previously contained in document recorded July 1, 2002 and Develop No. 279167.

						YERINGTO	YERINGTON, NEVADA						
Card #:	42128										Index No.		
Name.	4 C #020	Scott D. & Knie Bader			ļ						Lyon County No.	14-301-03	<b>)</b> 8
Halle.	3				1						Claim No.	1	as
Address.	1155 Licema Way	Wav			!						User#	2540	е
Yadiess.	Sparks, NV 89431	V 89431	i		ļ	0,8 %.	O, & M. Local No. 2				Ditch	pell	3:
Court Decree:	    -  -  -  -												<b>73</b> .
		e reco	2	CAYS	ACRE FEET REQUIRED	REQUIRED	ACRE FEET	TOPAZ RES.	BRIOGEPORT RES.	7 110	TOTAL ACRES		-CY
PRIORITY	ė.	ACRES	3	STORAGE	PER ACRE	TOTAL	APPORTIONED	ACRE FEET	ACRE FEET	COM			<b>-0</b>
NEWL		17.090	3.2076	65	1.5444	26.390					Water Rt. Acres	-	17.0 <mark>90</mark>
TOTAL		17.090				26.390	26.39	18.10	8.29		Non Wtr Rt. Acres		2
	1						14 43 15 15	ة معروب معرو <sub>ا ير</sub>					<u>7</u> -
						,					Acre Feet Storage	7	% N
						1000	· · · · · · · · · · · · · · · · · · ·						PF
LEGAL DESCRIPTION:	ION:			-	***	C. 3. 18 8 8	***	COMMENTS	ä				₩
Fr. N 1/2 of NE 1/4 T 14 N - R 25 E	Fr. N 1/2 of NE 1/4 of SE 1/4, T 14 N - R 25 E	1/4, Sec. 33;						10/29/03	10/29/03 - Transferred from	om card 19710	ID - Gelles		∀G(
POCTURENT HISTORY	, A21							]					
DOCUMENT #		DATE	DESCRIPTION	3									7
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#46-564		03/03/64	Herbert	Jajutor to	Charles Dainter to Mildred C. Dainter	ter Painter.							;u
#1075-7C#		50,000	Cliaires	מווונם בי	miruled O. rail								m
#03275		97/167/0	Velma	rainter to	Volma Campbell to Charles E Car	amptell	:	:	:				er
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10 C		04/13/00	William	Lampuerr	William & Puby Lowery to Paul &	. 15	Paul & Lynn Gettes	vi a					6
#236141		65/10/10	Record	if Surveyil	Record of Survey/Boundary Line	Adjustment for	oris	pson & Paui &	Eieanor C. Geiles	Š			<b>5</b> C
#236143		07/07/99	Marian F	Inkerton, usband al	acting Lyon Co	unty Clerk & E	x-officio Clerk o	on behalf of Par	ui Geiles & Elea	nor C. Geiles	quitclaims to Pau	i & Eleanor C.	Fi
#301412		08/01/03	Paul & E	leanor C.	Gelles, husban	d and wife and	Paul J. & Lynn	R. Gelles, hus	band and wife a:	s Joint Tenar	nts to Scott D. & Kr	rys Rader, hust	e C
			Britan Die Control of the Control of		enants enants						WRID 06/30/04 Page 220 of 3	1D 06/30/04	L05/09/05 Page 220 of 3
													8

ATION DISTRICT

WALKER RIVE

Division #

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OFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY

APN: 004-391-07 RPTT \$1244.10

WESTERN TITLE CO. INC. 04 JUN 23 PM 3: 37

WHEN RECORDED MAIL TO: ALLAN R. SIMPSON

1397 HIGHWAY 208

Address City,State

Name

Street

YERINGTON, NV 89447

Zip

MAIL TAX STATEMENTS TO:

Name Street

ALLAN R. SIMPSON 1397 HIGHWAY 208

Address City,State

YERINGTON, NV 89447

Zip Order

00089913-201- SLG

No. 8645

MARY C. MILLIGAN COUNTY RECORDER

FEE 15° DEP. MK

(SPACE ABOVE THIS LINE FOR RECORDERS USE)

#### **GRANT, BARGAIN AND SALE DEED**

THIS INDENTURE WITNESSETH: That

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, MARIO J. GHIO JR and DIANA D. GHIO, TRUSTEES OF THE GHIO FAMILY TRUST DATED JULY 3, 2003, do(es) hereby GRANT(s) BARGAIN SELL and CONVEY to ALLAN R. SIMPSON, an unmarried man and TIMOTHY D. SWENSON and MICHELE T. SWENSON, husband and wife, as joint tenants. ALL TOGETHER AS JOINT TENANTS and to the heirs and assigns of such Grantee forever, all the following real property situated in the City of N/A County of LYON, State of Nevada bounded and described as follows:

LOT 6 AS SHOWN ON THE OFFICIAL MAP OF WALKER RIVER RANCH, RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, NEVADA ON JUNE 5, 1972 AS DOCUMENT NO. 10568

TOGETHER with all tenements, hereditaments and appurtenances if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Dated: May 24, 2004

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STATE OF NEVADA

COUNTY OF Washo E

This instrument was acknowledged before me on

May 76<sup>th</sup> 2004

by MARIO J. GHIO, JR. AND DIANA D. GHIO.

Grant, Bargain and Sale Deed - Page 2

ADAM KINCAID

ADAM KINCAID

Allotary Public - State of Nevada

Appointment Recorded in Washoe County

No: 04-88061-2 - Expires February 12, 2008

Notary Public

TRUSTEES

	Document 650 Filed 05/20405 Page 224 of 38
A.P.N. # 10-331-34	OFFICIAL RECORDS LYDN COUNTY, NEV. RECORD REQUESTED BY
R.P.T.T. \$ 8580.00 ESCROW NO.04040146	STEWART TITLE OF C.  O4 JUN-4 AM 8: 12
RECORDING REQUESTED BY: STEWART TITLE COMPANY	<u> </u>
MAIL TAX STATEMENTS TO: SAME AS BELOW	MARY C. HILLIGAN COUNTY RECORDER
	FEED OEP.
WHEN RECORDED MAIL TO: GRANTEE	
1320 HIGHWAY 395 N GARDNERVILLE, NEVADA 89410	
	(Space Above for Recorder's Use Only) AIN, SALE DEED
GILBERT, HUSBAND AND WIFE AND Limited Liability Company	J&M PI, LLC. a Nevada
in consideration of \$10.00, the receipt of which is her and Convey to GRSDEAL, LLC., A NEVA	eby acknowledged, does hereby Grant, Bargain Sell
and to the heirs and assigns of such Grantee forever, a	all that real property situated in the
County of Lyon	State of Nevada, bounded and described as:  ERETO AND MADE A PART HEREOF  unents and appurtuanances thereunto belonging or in
County of Lyon SEE EXHIBIT "A" ATTACHED HE Together with all and singular the tenements, heredita	State of Nevada, bounded and described as:  ERETO AND MADE A PART HEREOF  unents and appurtuanances thereunto belonging or in
County of Lyon SEE EXHIBIT "A" ATTACHED HE Together with all and singular the tenements, heredita anywise appertaining, and any reversions, remainders,	State of Nevada, bounded and described as:  ERETO AND MADE A PART HEREOF  ments and appartmanages thereunto belonging or in , rents, issues or profits thereof.  MICHARI. C. GILBERT
County of Lyon SEE EXHIBIT "A" ATTACHED HE Together with all and singular the tenements, heredita anywise appertaining, and any reversions, remainders, DATE: May 27, 2004	State of Nevada, bounded and described as:  ERETO AND MADE A PART HEREOF  uments and appurtmances thereunto belonging or in , rents, issues or profits thereof.
County of Lyon SEE EXHIBIT "A" ATTACHED HE Together with all and singular the tenements, heredita anywise appertaining, and any reversions, remainders, DATE: May 27, 2004  J & M PI, LLC: BY:	State of Nevada, bounded and described as:  ERETO AND MADE A PART HEREOF  ments and appurtmances thereunto belonging or in , rents, issues or profits thereof.  MICHARI. C. GILBERT  CMALL LIM. H. W.
County of Lyon SEE EXHIBIT "A" ATTACHED HE Together with all and singular the tenements, heredita anywise appertaining, and any reversions, remainders, DATE: May 27, 2004  J & M PI, LLC: BY: JADE A. MILLER	State of Nevada, bounded and described as:  ERETO AND MADE A PART HEREOF  Iments and appurtmances thereunto belonging or in  Trents, issues or profits thereof.  MICHARI. C. GILBERT  ANGEL RERR GILBERT  CAROL COSTA  Notary Public - State of Nevada  Appointment Recorded in County of Douglas
County of Lyon SEE EXHIBIT "A" ATTACHED HE Together with all and singular the tenements, heredita anywise appertaining, and any reversions, remainders, DATE: May 27, 2004  J & M PI, LLC: BY: JADE A. MILLER  BY: TENLEY V. MILLER	State of Nevada, bounded and described as:  ERETO AND MADE A PART HEREOF  Iments and appurtmances thereunto belonging or in Interest, issues or profits thereof.  MICHARI C. GILBERT  ANGEL RERR GILBERT  CAROL COSTA  Notary Public - State of Nevada
County of Lyon SEE EXHIBIT "A" ATTACHED HE Together with all and singular the tenements, heredita anywise appertaining, and any reversions, remainders, DATE: May 27, 2004  J & M PI, LLC: BY: JADE A. MILLER  BY:	State of Nevada, bounded and described as: ERETO AND MADE A PART HEREOF unents and appurtunances thereunto belonging or in , rents, issues or profits thereof.  MICHARL C. GILBERT  ANGEL RERR GILBERT  CAROL COSTA Notary Public - State of Nevada Appointment Recroed in County of Douglas My Appointment Expires Nov. 4, 2004
County of Lyon  SEE EXHIBIT "A" ATTACHED HE  Together with all and singular the tenements, heredita anywise appertaining, and any reversions, remainders,  DATE: May 27, 2004  JEMPI, LLC:  BY:  JADE A. MILLER  BY:  TENLEY V. MILLER  STATE OF TOLOGO (SOLOT)  See STATE OF COUNTY OF COLOTY  This instrument was acknowledged before me on Government and ANGEL	State of Nevada, bounded and described as: ERETO AND MADE A PART HEREOF unents and appurtunances thereunto belonging or in , rents, issues or profits thereof.  MICHARL C. GILBERT  ANGEL RERR GILBERT  CAROL COSTA Notary Public - State of Nevada Appointment Recroed in County of Douglas My Appointment Expires Nov. 4, 2004

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A.P.N. # 10-331-34	
R.P.T.T. \$ 8580.  ESCROW NO. 04040146  RECORDING REQUESTED BY:  STEWART TITLE COMPANY  MAIL TAX STATEMENTS TO:  SAME AS BELOW	
WHEN RECORDED MAIL TO: GRANTEE 1320 HIGHWAY 395 N GARDNERVILLE, NEVADA 89410	(Space Above for Recorder's Use Only)
GRANT, BARC	GAIN, SALE DEED
THIS INDENTURE WITNESSETH: That MICE GILBERT, HUSBAND AND WIFE AND Limited Liability Company	HAEL C. GILBERT AND ANGEL KERR D J & M PI, LLC. a Nevada
in consideration of \$10.00, the receipt of which is he and Convey to GRSDEAL, LLC., A NET	nereby acknowledged, does hereby Grant, Bargain Sell VADA LIMITED LIABILITY COMPANY
	State of Nevada, bounded and described as:  HERETO AND MADE A PART HEREOF  litaments and appart grantees thereunto belonging or in
J & M PI, LLC	MICHAEL C. GILBERT
JADE A. MILLER	ANGEL KERR GILBERT
TENLEY V. MILLER	
STATE OF Relation (144) SS.	CAROL COSTA  Notary Public - State of Nevada  Appointment Recorded in Courty of Douglas  My Appointment Expires Nov. 4, 2004
This instrument was acknowledged before me on by MICHAEL C. GILBERT and ANGEL GILBERT and J & M PI, LLC	(6-1-04) KERR
	•

#### EXHIBIT 'A'

ALL THAT CERTAIN REAL PROPERTY BEING A PORTION OF SOUTH 1/2 OF SOUTHEAST 1/4 OF SECTION 22, AND NORTHEAST 1/4 AND NORTHWEST 1/4 OF SOUTHEAST 1/4 OF SECTION 27, T 11 N, R 23 E, M.D.B.&M., LYON COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

PARCEL 1-A, AS SHOWN ON THE PARCEL MAP PREPARED FOR WEAVER PROPERTIES, L.L.C., RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, NEVADA ON APRIL 23, 1999, AS DOCUMENT NO. 232837.

ASSESSOR'S PARCEL NO. 10-331-34

"TOGETHER WITH approximately 281 acre feet of storage water rights from Topaz Lake appurtement to the property".

		297-A	5. 10-331-34		2556
		Index No.	Lyon County No.	Claim No.	User #
YERINGTON NEVADA					
	20770	GRADEALLIC		1320 Hichway 1988	Section 19 and 1
	Card #:	Name:	•	Address:	

**ITION DISTRICT** 

WALKER RIVER IF

Division #:

	Gardnery	Gardnerville, NV 89410			ļ 1	O. & M.	O. & M. Local No. 1				Oser # Ditch
Court Decree:											
PRIORITY		e la Ca		DAYS	ACRE FEET REQUIRED	EQUIRED	ACRE FEET	TOPAZ RES	OPAZ RES PRINGEDORY BEE		
	5	ACKES	2	STORAGE	PER ACRE	TOTAL	APPORTIONED	ACRE FEET	AC06 #001	CLAIM #	TOTAL ACRES
									אכעב דמפו		
NEWL		106 280	4.2769	#)	C4 C0 C0 C4	60.00					
TOTAL											Market Br. C.
		106.280				218.852	218.86	218.86	6		Water Kt. Acres

-C)

Colony

106.280

Non Wir Rt. Acres

218.866

Acre Feet Storage

10/16/02 - Transferred from card #56136 - Weaver Properties 02/11/04 - Assigned new APN by County 06/17/04 - Transferred from card #19776, Gilbert & Miller 06/17/04 - Transferred from card #19776 - Gilbert & J&M PI, LLC COMMENTS

Pr. NE 1/4, Sec. 27; T 11 N, R 23 E.

LEGAL DESCRIPTION:

	DESCRIPTION	Joint Tenant	
	DATE	11/09/62	
DOCUMENT HISTORY:	DOCUMENT #	#46-289	440004

Tr. NE 1/4, Sec. 2/; T 11 N, R 23 E.			10/16/4 - Ifansterred from card #56136 - Weaver Properties 02/1/164 - Assigned new APN by County
Parcel 1-A of PM 232837	,		06/17/04 - Transferred from card #19775, Gilbert & Miller 06/17/04 - Transferred from card #19776 - Gilbert & J&M PI, LLC
DOCUMENT HISTORY:			
DOCUMENT #	DATE	DESCRIPTION	
#45-289	11/09/62	Joint Tenant	
#109226	07/30/87	Cora G. Sayre to Cora Sayre Trust.	
#201089	12/27/96	Andrew G. Sayre, Jr. & Mark Arright, Successor Trustees to Core Say	Andrew G. Sayre, Jr. & Mark Arrighl, Successor Trustees to Core Sayre, deceased, to William M. Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Arrents of the William
#203640	03/27/97	Parcel Map of Portions of Sec. 22, & 27; I 11 N - R 23 F.	
4500400	08/22/97	Parcel Map of Portion of Sec 22 & 27. T 44 N D 22 E Co. Milliam N.	
#212988	12/09/97	Boundary Line Adjustment for William M. Weaver. Jr. & Rosemary E. Weaver, Trustics of the William	Illiam M. Weaver Jr. & Bosemary E. Weaver, Trust.
#212989	12/09/97	William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William Weaver, Trustees of the William Weaver, Ir Trustees of the William Weaver, Ir Trustees of the William Weaver	William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to William M. Weaver, Trustees of the William Weaver & Rosemary
#213378	12/19/97	William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William Nevada Limited Liability Company.	William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to Weaver Properties, L.L.C., a Nevada Limited Liability Company
#215183	02/11/98	Weaver Properties, L.L.C., a Nevada Limitied Liability Company to We woman (16)	Weaver Properties, L.L.C., a Nevada Limitied Liability Company to Weston L. Wright, an unmarried man & Sandra Lynn McCombs, an unmarried woman (16).
#232837 X	04/23/99	Parcel Map for Weaver Properties 1.1 C.	
#282766	09/18/02	Weaver Properties L.L.C., a Nevada Limited Liability Company to Mich undivided 1/2 interest and Jade & Tenlov V Millor L.C.	Weaver Properties L.L.C., a Nevada Limited Liability Company to Michael C. & Angel Kerr Gibert, husband and wife as Joint Tenants as to an undivided 1/2 interest and Jade & Tenlov V Millor Linder and Jade & Ten
#322341	06/04/04	Jade and Tenley V. Miller, husband and wife as Infectional Committee of Infection Committee	dand wife as Inite Tournet (1)
#322342	06/04/04		usband and wife and J & M PI, LLC, a Nevada limited company to GR8DEAL, LLC, a Nevada limited liability
			40/06/30/04

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 228 of 38

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAJUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

X Date: 3/21/05	Signature  Yed Glassbuss  Printed/Typed Name  If you are acting on behalf of any entity, identify that acting as:  (Title)	you are of
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been rought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service in Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 229 of 38

1		
2	IN THE UNITED STATES DI FOR THE DISTRICT O	ISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	
4	Plaintiff.	
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	) )
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	a-proceeding in this case.
12		
13	_	ict Court at the following address.
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu of
17	Summons, I am mailing a copy of this document to:	
13	Susan L. Schneider	
19	Attorney for the United States of Americal United States Department of Justice	
20	Environment & Natural Resources Divi- P.O. Box 756	sion
21	Littleton, Colorado 80160	
22		ing) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cou	rt except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of t	he Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acti	ng) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below	, along with his or her mailing address,
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PART	CIPATE, page 1 of 2

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 230 of 38

1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	x Dal Slesh
8		
9	1 1 1 1	(Signature)
10		
11		(Printed or typed Name)
12		
13		
14		(Entity, if any, on whose
15		behalf you are appearing)
16		X TO. BOX 302 Wellington
17		(Address)
18		775-4659612
19		(Telephone number)
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23		•
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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 231 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/7/105

Signature

Thereog Coloss burn, Testing of Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been bought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service he Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

1		
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
3	UNITED STATES OF AMERICA,	)
4	Plaintiff.	}
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7		) SUBFILE NO. C-123-B
8	VS.	<i>)</i> )
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) )
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-	o-proceeding in this case.
12	2. I am filing this document with the Distr	•
13	Chief Deputy Clerk	ice count at the ronowing address.
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for πετυπι of π	y Waiver of Service of Notice in Lieu o
17	Summons, I am mailing a copy of this document to:	
13	Susan L. Schneider	
19	Attorney for the United States of Americal United States Department of Justice	
20	Environment & Natural Resources Division P.O. Box 756	sion
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am act	ing) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cour	t except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the	ne Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acti	ng) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below, along with his or her mailing address,	
27	telephone number, and facsimile number:	
28		
H		

2

# Case 3:78-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 233 of 38 Attorney: Address: Phone Number: Fax Number: (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

# .Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 234 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIFTUOF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PATUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3- 27-05

Signature

Chery L. Gorginet

Printed/Typea Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver for in, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1		
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
3	UNITED STATES OF AMERICA,	
4	Plaintiff,	) )
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	) )
8	WALKER RIVER IRRIGATION DISTRICT. a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub	p-proceeding in this case.
12	<ol> <li>I am filing this document with the District</li> </ol>	
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16		ny Waiver of Service of Notice in Lieu of
17	Summons, I am mailing a copy of this document to:	
18	Susan L. Schneider	
19	Attorney for the United States of Ameri United States Department of Justice	
20	Environment & Natural Resources Divi P.O. Box 756	SION
21	Littleton, Colorado 80160	
22		ting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am act	ing) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below, along with his or her mailing address	
27	telephone number, and facsimile number:	
28		
		rarname page 1 of 2

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 236 of 38

1	Attorney:	
2		•
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	
8		Charl I Sf
9		(Signature)
10		
11		Cheal L Goffinet
12		(Printed or typed Name)
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14		
15		(Entity, if any, on whose
16		behalf you are appearing)  12 Tingle-
17		
18		(Address) 775- 443-2311
19		(Telephone number)
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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 237 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the OFDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-12-05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA, 4 Plaintiff. 5 IN EOUTTY NO. C-125 WALKER RIVER PAIUTE TRIBE. 6 SUBFILE NO. C-125-B Plaintiff-Intervenor, 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 16 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 30% 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu o 3. Summons. I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 4. 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 239 of 38 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) 1.3 (Entity, if any, on whose behalf you are appearing) (Telephone number)

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 240 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIDTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) he served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons

X Date: March 18-05	Y Gnore (6) Shote	
	ANGELO GROSO Printed/Typed Name	
	If you are acting on behalf of any entity, identify that you a	are
		of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 241 of 38

1		
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
3	UNITED STATES OF AMERICA.	)
4	Plaintiff,	<i>)</i> )
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	)
8 9	WALKER RIVER IRRIGATION DISTRICT. a corporation, et al.,	) ) )
LO	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
12	1. I hereby enter my appearance in this sub	o-proceeding in this case.
12	2. I am filing this document with the Distr	
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16 17	3. In the envelope provided for return of n	ny Waiver of Service of Notice in Lieu o
	Summons. I am mailing a copy of this document to:	
18	Susan L. Schneider Attorney for the United States of Art.er	ica
19	United States Department of Justice Environment & Natural Resources Divi	
20	P.O. Box 756 Littleton, Colorado 80160	
21		ting) will retain all defenses or objections
22	to the lawsuit or to the jurisdiction or venue of the cou	
23	in the Notice in Lieu of Summons or in the service of	
24	5. If I (or the entity on whose behalf I am act	•
25	me in these proceedings, I identify that attorney below	
26		m, along mini me or nor manning addition
27	telephone number, and facsimile number:	
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Case 3:7	B-cv-00127-MMD-WGC Document 6	650 Filed 05/09/05 Page 242 of 38
1	Attorney:	
2		
3	Address:	
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5	Phone Number:	
. 6	Fax Number:	
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8		(Signature)
9		(Gighatme)
10	<b>\$</b>	
11		ANGELO GROSO (Printed or typed Name)
12		(Timed of typed 14mile)
13		
14		
15		(Entity, if any, on whose behalf you are appearing)
16		P. O. Box 14
17		Wellington, NV 89444
18		(Address)
		775 - 465-2377 (Telephone number)
19		(Telephone name)
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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 243 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### O: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 2-14-05

Maxine J. Groso

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: <u>Trustee</u> of

The Ernest & Maxime Jo 2000 Family Trust Agreement

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with of appearance and intent to participate.

When Recor Mail to:

Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 244 of 38 MAXINE JO GROSO

P.O. Box 317
Wellington, NV 89444

A.P. # 010-641-04:05;06

# GRANT, BARGAIN AND SALE DEED

THIS INDENTURE made this S day of June, 2000, by and between MAXINE JO GROSO, Individually and MAXINE JO GROSO, as Guardian of the Person and Estate of ERNEST GROSO, as husband and wife, joint tenants with right of survivorship, of Lyon County, Nevada, "GRANTORS", and MAXINE JO GROSO, as Trustee of the ERNEST GROSO and MAXINE JO GROSO 2000 FAMILY TRUST AGREEMENT, dated

# WITNESSET H:

That the Grantors, do by these presents grant, bargain, sell and convey unto the Grantees and to their successors and assigns, without consideration, all right, title and interest in that certain real property situate in Lyon County, State of Nevada, and more particularly described as follows, to wit:

All the real property residence in Wellington, situate in the County of Lyon, State of Nevada, more particularly described as follows:

24966

 $p_{AB} = 1$ 

Case 3:73-cv-00127-MWD-WG6DOccatedt 650 Feled 05/09/05 Page 245 of 38 the Northeast 1/4 of the Southwest 1/4 of Section 245 of 38 2, Township 10 North, Range 23 East, M.D.B.&M.,

at Wellington, Smith Valley, Lyon County, Nevada, more particularly described as follows:

COMMENCING at the 1/16th section corner which bears North 1323.40 feet, from the South 1/4 corner of said Section 2, proceeding North 19038'22" East 494.23 feet, to a point on the Westerly right of way line of Nevada State Highway Route 3, where said right of way line is intersected by the property line between the Groso Property (Post Office) and the Compston Property; proceed thence along said property line, South 48°34' West, 278.00 feet, to the true point of beginning, which is the most easterly corner of this parcel; proceed thence South 48034' West 106.00 feet, to a point on the North bank of the Plymouth Ditch; thence North 78°55' West, 128.00 feet, along said ditch bank, to a point, thence North 41004' West 135.96 feet, to a point on the Southerly line of a 36 foot wide easement for road and utilities, thence along said Southerly easement line, North 78047' East 128.67 feet, to a point; thence continuing along said Southerly line, South 70047' East, 80.00 feet, to a point; thence South 40°32'20" East, 142.55 feet, along the boundary between this pricel and the Groso property (Post Office) to the true point of beginning.

And:

All that real property situate in the County of Lyon, State of Nevada, described as follows:

## PARCEL 4:

Commencing at Monument No. 1 which is located 59.90 feet North of the northwest corner of the SW1/4 of the SE1/4 of Section 2, Township 10 North, Range 23 East, M.D.B.&M.; thence South 41°26' East 285.00 feet; thence South 48°34' West 30.00 feet to the true point of beginning for the description of this parcel of land; thence South 48°34' West 384 feet to a point on the north hank

Case 3:73-cv-004271-MMDhV7@@@Document 650 Filed 25/09/05 Page 246 of 38 north bank of said ditch North feet to a two inch iron pipe in the north bank of said ditch; thence north 41004' West 584.60 feet. to an iron pin in the south bank of the Burbank Ditch; thence North 73010' East 109.8 feet to an iron pin in the south bank of the Burbank Ditch; thence North 89°10' East 164.60 Feet to a point on the south bank of the Burbank Ditch; thence South 80049' East 168.80 feet to a pin in the south bank of the Burbank Ditch; thence North 70°54' East 74.30 feet to a point on the south bank of the Burbank Ditch, thence North 63000' East 57.00 feet to the westerly side of the highway; thence south 41026' Bast 362.00 feet along the westerly side of the highway to the true point of beginning.

#### And:

All that real property situate in the County of Lyon, State of Nevada described as follows: (Known as the Commercial Bldg./Equipment lot)

Beginning at the southeast corner of the parcel on the westerly side of the State Highway right of way, said point of beginning being described as bearing North 5035' East 585.23 feet from the established one-sixteenth corner, designated as the southeast corner of the NEI/4 of the SW1/2 of said Section 2, said one-sixteenth corner, a rock mound, being North a distance of 1323.40 feet from the south one-quarter corner of Section 2, Township 10 North, Range 23 East, M.D.B.&M.; thence from the point of beginning South 50°59' West 244 feet to a point which is 5 feet southerly from the southwest corner of the socalled Hoye Store Building; thence South 70047' West 95 feet to the southwest corner of the parcel; thence North 4052' West 275 feet to a point on the south bank of the Burbank Ditch and the northwest corner of the parcel; thence North 78042' East 49.60 feet to a fence corner at the morthwest corner of the Werner lot; thence South 42003' East along the fence line 97 feet to the fence corner; thence North 43030' East along the tence line is feet; more or less, to the State

Case 3:73-cy=00427=14000 Weev Document 550 Filed 9500005 Page 247 of 38 along said right of way 83.30 said right of way thence South 42°25' East along said right of way 62 feet to the point of beginning.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the remainder and remainders, reversion and reversions, rents, issues and profits thereof.

TOGETHER WITH the appurtenances and all the estate and rights of the Grantors in and to said premises.

IN WITNESS WHEREOF, the Grantors have executed this deed the

MAXINE JG GROSQ Individually

MAXINE JO GROSO, Guardian of the

Person and Estate of

ERNEST GROSO

STATE OF NEVADA

88.

COUNTY OF WASHOE

BARBARA KAY REESE

TOTALLY Public, State of Levade

Coolntrient No. 92-1551-2

Coolntrient Fires Oct. 15, 2000

NOTARY PUBLIC in and for said County and State.

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Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 248 of 38

249667

OFFICIAL RECORDS
LYON COUNTY, NEV.
RECURD FEQUESTED BY

HENRY W. CAVALLERO

00 JUN 29 AH 11: 38

MARY C. HILLIGAN COUNTY RECORDER

FEE 1/00 NEP. ES

# FILED

1	The state of the s	
Ga	Sea3-73-cv-0015234MMD-WGC Document 650 Filed-05/09/05 Page 249 of	
2	Dept. No.: II 80 MAY 15 A 9: 37	
3	NIKKI A. BRYAN LYON COUNTY CLERK	
4	KAREN DINI	
5	DEPUTY OF MENTAL DA	
6	IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA	
7	IN AND FOR THE COUNTY OF LYON	
8		
9	IN THE MATTER OF THE GUARDIANSHIP OF GUARDIAN OF THE PERSON AND	
10	STATE AND FOR INSTRUCTIONS	
11	ERNEST GROSO,	
12	An Adult Ward.	
1.3	THIS MATTER came before the Court this date upon the	
1.4	• :	
15		
16		
17	· ·	
18		
19		
2	required by law.	
2		
2		
2	local, state and federal agencies.	
2	3. It is in the Ward's best interest that a Guardian of	
2	the Person and Estate be appointed.	
2	26	
;	27 of the Person and Estate of ERNEST GROSO, to executed a Marital	
	EDI FUE LETONI AME	

249671

1 Case 3:7 2	volution Trust. The total value of the Trust Estate is 3-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 250 of 38 estimated at a sum in excess of the federal estate
3	THEREFORE, based upon the foregoing, IT IS HEREBY
4	ORDERED as follows:
5	1. That MAXINE JO GROSO is appointed Guardian of the
6	Person and Estate of ERNEST GROSO.
7	2. That the Clerk of the Court shall issue Letters of
. 8	Guardianship to MAXINE JO GROSO as Guardian of the Person a
9	Estate of ERNEST GROSO, upon her posting a bond in the sum (
10	\$ <u> </u>
11	3. That the Guardian, MAXINE JO GROSO, is hereby
12	authorized to execute the Marital Deduction Trust set forth
13	Exhibit "C" to the Petition on file herein, on behalf of the
14	Ward, and is authorized to execute any conveyances, assignment
15	or other documents to fund the trust for ERNEST GROSO.
16	4. That the Guardian shall exercise her responsibili
17	as Guardian of the Person, so that ERNEST GROSO is allowed
18	live in the least restrictive environment.
19	5 That the Guardian is not to be not held personal
20	liable for the financial obligations of the Ward's care
21.	DATED this 15th day of hay, 2000.
22	
23	CERTIFIED COPY DISTRICT JUDGE
24	The document to which this cartificate is attached is a full, true and correct copy of the
25	original on file and of record in my office
26	DATE: 5-6-00 Liking A. Bryan, County Gigit und Clark in
27	The Office Judicial Branch Court of the State
28	of Movada, in and for Lyon County.  Ey
	Deputy

Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 251 of 38

249671

OFFICIAL RECORDS LYON COUNTY, HEV. RECORD REQUESTED BY

HENRY W. CAVALLERO 00 JUN 29 AM 11: 48

MARY C. HILLIGAN COUNTY RECORDER

115 900 DEP. 28

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 252 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIL TE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/17/05

Signature Joyesa

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service e Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 253 of 38

-			
2	IN THE UNITED STATES D FOR THE DISTRICT C	ISTRICT COURT OF NEVADA	
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff.	, )	
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.	<b>)</b>	
9	WALKER RIVER IRRIGATION DISTRICT, a comporation, et al.,	<b>)</b>	
.0	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE	
. 1	<ol> <li>I hereby enter my appearance in this su</li> </ol>	b-proceeding in this case.	
.2	2. I am filing this document with the Dist		
.3	Chief Deputy Clerk		
.4	United States District Court for the District of Nevada		
.5	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
.6	3. In the envelope provided for return of r	ny Waiver of Service of Notice in Lieu	
7	Summons. I am mailing a copy of this document to:		
.3	Susan L. Schneider Attorney for the United States of Arner	ica	
20	United States Department of Justice Environment & Natural Resources Div		
21	P.O. Box 756 Littleton, Colorado 80160		
22		ting) will retain all defenses or objection	
23	to the lawsuit or to the jurisdiction or venue of the cou		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represer		
26	me in these proceedings, I identify that attorney belo	w, along with his or her mailing address	
27	telephone number, and facsimile number:		
28			
	NOTICE OF APPEARANCE AND INTENT TO PART	ricipate, page 1 of 2	

### Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 283/ Hu/208 2831 WELL 1 46-4011 (Address) 775-465-906 (Telephone number)

Case 3:78-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 254 of 38

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 255 of 38

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons

Signature Date: 3-23-05 Printed/Typed Name If you are acting on behalf of any entity, identify that you are acting as: Trustee of (Title)
Hall Family Trust
(Corporate, Trust, Partnership or other entity)

# Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu c Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked b a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beau the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought. An entity in this case who waives service must, within 60 days, as specified or, the waiver form, provide the court and DOJ attorney S. Schneider wi a notice of appearance and intent to participate.

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 256 of 38

1	AP TAME		
1 2		IN THE UNITED STATES	DISTRICT COURT T OF NEVADA
3	INI	TED STATES OF AMERICA.	)
4		Plaintiff.	) IN EQUITY NO. C-125
5	WA	LKER RIVER PAIUTE TRIBE,	SUBFILE NO. C-125-B
6		Plaintiff-Intervenor,	) SOBIELLIO
7		vs.	
8	WA	ALKER RIVER IRRIGATION DISTRICT, orporation, et al.,	) ) 
9 10		NOTICE OF APPEARANCE AN	D INTENT TO PARTICIPATE
		1. I hereby enter my appearance in the	n's sub-proceeding in this case.
11	1	1. I hereby enter my appearance in	E District Court at the following address:
13	2	2. I am filing this document with the	2 Luguror Gomes
1	3	Chief Deputy Clerk United States District Court for t	he
1	4	District of Nevada 400 South Virginia Street, Suite	301
1	5	Reno, Nevada 89501	Service of Notice in Lieu of
1	6	<ol> <li>In the envelope provided for retu</li> </ol>	un of my Waiver of Service of Notice in Lieu of
1	.7 S	ummons. I am mailing a copy of this docume	0: זר :0:
:	.3	Susan L. Schneider Attorney for the United States of June Department of June	f America
	19	United States Department of Ju Environment & Natural Resour	stice ces Division
	20	P.O. Box /30	
	21	Littleton, Colorado 80160	If am acting) will retain all defenses or objections
	22	4. I (or the entity on whose behan	Some court except for objections based on a defect
	23	to the lawsuit or to the jurisdiction or venue of	f the court except for objections based on a defect
	24	- uha C	PARTICIPATION CONTRACTOR CONTRACT
	- 11		T : XIII ACMIE : -
	26	me in these proceedings. I identify that attor	ney below, along with his or her mailing address
	27	telephone number, and facsimile number:	
	28	OF APPEARANCE AND INTENT	to participate, page 1 of 2

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 257 of 38

3: //3-CV	-00127-MMD-WGC Docu	ment 650 Filed 05/09/05 Page 257 of 38
1	Attorney:	
2		
3	Address:	
4	•	
5	A	
6	Phone Number:	~ O. A
7	Fax Number:	Debra Gilmore
8		(Signature)
9		
10		Debra Gilmore
11		(Printed or typed Name)
12		, CHUC 1.T
13		Trustee of Hall Family Trus
14		(Entity, if any, on whose behalf you are appearing)
15		/ A 11
16		Yerington NV 89447
17		(Address)
<b>\</b>		775-463-2751
18		(Telephone number)
19		
20 21		
22		
23		•
24		•
25	:	
25	;	
27		
28		
20	THE PRINCE AN	D INTENT TO PARTICIPATE, page 2 of 2

Case 3:73-cv-00127-MMD-WGC Document 650 (1986) 09/05 Page 258 of 38

A.P.N. 04-401-06

Escrow No.: LY-302812-DA RPTT \$95.55, based on full value

RECORDING REQUESTED BY:

Northern Nevada Title Company

MAIL TAX STATEMENTS AND WHEN RECORDED, MAIL TO:

Kim K. Cox

P.O. Box 234

Yerington, NV 8944?

RECORD REBUESTED BY NORTHERN NEVADA TITLE CO. 03 OCT 10 PH 4: 22

THIS SPACE FOR RECORDER'S USE ONLY

## GRANT, BARGAIN, SALE DEED

That Philip Colin Hanifan and Carol Anne Hanifan, Trustees of The Hanifan Living Trust dated April 8, 2002 in consideration of \$10.00 Dollars, the receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, Sell and Convey to Kim K. Cox, an Unmarried Woman and Gene G. Zieman, an Unmarried Man as Joint Tenants with Right of Survivorship all that real property in the County of Lyon, State of Nevada, bounded and described as follows:

Lot 12 as shown on the map for WALKER RIVER RANCH, recorded in the Official Records of Lyon County, Nevada on June 5, 1972 as Document No. 10568. 500

TOGETHER WITH ALL WATER AND WATER RIGHTS APPURTENANT TO THE HEREIN DESCRIBED PROPERTY.

Together with all singular the tenements, hereditaments and appurenances thereunto belonging or in anywise appertaining.

Dated: October 8, 2003

Hanifan Living Trust dated April 8, 2002

By: Colin Hanifan, Trustee

By Carol Conne Handern

Carol Artne Hanifan, Trustee:

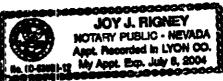
306121

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 259 of 38

STATE OF NEVADA	)
COUNTY OF LYON	)
On 10-10-03 Public, Philip Cali	personally appeared before me, a Novary  n Hanifan Trustee  ne Hanifan, Trustee
	and the above instrument.

who acknowledged that + help executed the above instrument.

Signature (Notary Public)



Filed 05/09/05	Page	260	of	38
		)/08/90		
		9		
		WR		

tyon County No. 64401-06 Claim No. C	TOTAL ACRES 33.000 Water Rt. Acres 3.3000 Non Wit Rt. Acres	Acre Feet Storage 6.60	nrate property. Ol Ann Hanifan. Trustees of the Hanifan Living Hanifan Living Hanifan Living Hanifan Living Hanifed Woman & Gene G. Zleinan, an unmarrier Contact woman & Gene G. Zleinan, and an unmarrier Contact woman & Gene G. Zleinan, and an unmarrier Contact woman & Gene G. Zleinan, and an unmarrier Contact woman & Gene G. Zleinan, and an unmarrier Contact woman & Gene G. Zleinan, and an unmarrier Contact woman & Gene G. Zleinan, and an unmarrier Contact woman & Gene G. Zleinan, and an unmarrier Contact woman & Gene G. Zleinan, and an unmarrier Contact woman & Gene G. Zleinan, and an unmarrier Contact woman & Gene G. Zleinan, and an unmarrier Contact woman & Gene G. Zleinan, and an unmarrier Contact woman was a contact woman with the contact woman was a contact woman with the contact woman was a contact wo
WALKER RIVER ( ATION DISTRICT YERINGTON, NEVADA 189447	ACRES DUTY STORAGE PER ACRE FEET REQUIRED ACRE FEET TOPAZ RES. BRIDGEPORT RES.  3.340 4.2768 65 2.0592 6.880 6.88 6.88 6.88 0.00	Acre Feet Sto Ac	DATE DESCRIPTION  1/1/108/76 From the W.R. Ranch to P. & J. Hanlfan.  1/1/108/76 From the W.R. Ranch to P. & J. Hanlfan.  1/1/108/76 From the W.R. Ranch to P. & J. Hanlfan.  1/1/108/76 From the W.R. Ranch to P. & J. Hanlfan.  1/1/108/76 GC Deed · Janet Hanlfan. a married woman to Philip Hanlfan, a married property to Philip Coullin Hanlfan & Carol Ann Hanlfan. Trustees of the Hanlfan Living Truct to Kim K. Cox, an unmarried woman & Gene G. Zieman, an unmarried Chambain & Carol Ann Hanlfan Trustees of the Hanlfan Living Truct to Kim K. Cox, an unmarried woman & Gene G. Zieman, an unmarried Chambain & Carol Ann Hanlfan Trustees of the Hanlfan Living Truct to Kim K. Cox, an unmarried woman & Gene G. Zieman, an unmarried Chambain & Carol Ann Hanlfan Trustees of the Hanlfan Living Truct to Kim K. Cox, an unmarried woman & Gene G. Zieman, an unmarried Chambain & Carol Ann Hanlfan Trustees of the Hanlfan Living Truct to Kim K. Cox, an unmarried woman & Gene G. Zieman, an unmarried Chambain & Carol Ann Hanlfan Anni Anni Anni Anni Anni Anni Anni An
Card #: 10798  Name: Kim K. Cox Gene G. Zieman  Address: P. O. Box 234  Yerington, NV 89	Court Decree: PRIORITY C.F.S. A NEWL TOTAL	Lot No. 12 of the Walker River Ranch Subdivision, Sections 9 & 10;	

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 261 of 38

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on the Court except for objections based on the Notice in Lieu of Court except for objections based on the Notice in Lieu of Court except for objections based on the Notice in Lieu of Court except for objections based on the Notice in Lieu of Court except for objections based on the Notice in Lieu of Court except for objections based on the Notice in Lieu of Court except for objections based on the Notice in Lieu of Court except for objections based on the Notice in Lieu of Court except for objections based on the Notice in Lieu of Court except for objections based on the Notice in Lieu of Court except for objections based on the Notice in Lieu of Court except for objections based on the Notice in Lieu of Court except for ob

Summons or in the service of the Notice in Lieu of Summons.

Date: 492 - 200 | Signature | HANSEN |
Printed/Typed Name
If you are acting on behalf of any entity, identify that you are acting as:

Of (Title)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by

a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 262 of 38

Recording Requested by And Return to:

Walker River Imigation District P. O. Box 820 Yerington, NV 89447

RPTT#3

### WATER RIGHTS DEED

THIS INDENTURE, is made this 2/5th day of 100 y ..., 2002, by and between KENNETH V. HANSEN ("Grantor") and the WALKER RIVER IRRIGATION DISTRICT (the "Grantee") as follows:

#### WITNESSETH:

WHEREAS, Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to it acknowledged, does hereby GRANT, BARGAIN and SELL to Grantee and to its successors and assigns forever in accordance with the terms set forth in that certain WATER RIGHTS ASSESSMENT AGREEMENT entered into by Grantor and Grantee dated May 2/2002 and recorded in the Official Records of Lyon County as Document No. 371853, all water rights, ditch or conveyance rights and all storage rights of any nature whatsoever, appurtenant to the real property situate in the County of Lyon, State of Nevada and described as follows:

See Exhibit "A" attached hereto and made a part hereof.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainder and remainders, rents, issues and profits thereof.

IN WITNESS WHEREOF, Grantor has executed these presents the day and year first above written.

KENNETH V. HANSEN

STATE OF NEVADA

COUNTY OF ALL

This instrument was acknowledged before me on <u>Inc</u>

on Kenneth V. Hansen

LEAH COMPSTON
Notary Public - State of Nevada
Appointment Recorded in Lyon County
No: 93-3029-12 - Expires April 5, 2005

NOTARY PUBLIC

(My Commission Expires: 45-95

277854

1. ra 1 . r

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 263 of 38

EXHIBIT 'A'

All that real property in the County of Lyon, State of Nevada, being Assessor's Parcel Number 10-331-08, more particularly described as follows:

#### Parcel One:

Being all that certain piece or parcel of land lying in a portion of the NW ¼ of the SE ¼ of Section 27, Township 11 North, Range 23 East, M.D.B.&M., in Smith Valley, Lyon County, Nevada, and more particularly described by metes and bounds as follows, to wit:

From the established and recognized monument (into pin in mound of rocks) in the center of the said Section 27 and which bears South 0° 31' East 2638.44 feet from the North one-quarter comer of said Section; thence South 0° 31' East, 582,50 feet to the true point of beginning at the northwest comer of the parcel; thence North 89° 56' East 576.00 feet to a point at the northeast comer of the parcel and in the so-called Colony Ditch; thence following along said ditch South 25° 07' East, 200.00 feet to a point; thence South 20° 53' 30" East 163.90 feet to a point at the southeast comer of the parcel; thence leaving said ditch South 89° 56' West 716.00 feet to a point at the southwest comer of the parcel; thence North 0° 31' West 334.50 feet to the point of beginning.

### Parcel Two

Being a portion of the SE ¼ of Section 27, Township 11 North, Range 23 East, M.D.B.&M., and more particularly described as follows:

Commencing at the established and recognized monument (fron pin in mound of rocks) in the center of said Section 27 and which bears \$. 0° 31' E. 2638.44 feet from the N. ¼ corner of said Section 27; thence S. 0° 31' E. 917'.00 feet to the True Point of Beginning; said Pont of Beginning being the Southwest corner of that certain parcel of land described in Deed recorded January 17, 1964 in Book 46, Page 414 of Deeds as File No. 879'34; thence S. 0° 31' E. 61 feet; thence N. 89° 56' East 716.00 feet; thence N. 0° 31' W. 61 feet to the Southeast corner of the aforementioned land recorded in Book 46, Page 414; thence S. 89° 56' W. 716.00 feet to the True Foint of beginning.

Per NRS 111.312, the legal description appeared previously in Deed #264630 recorded on August 14, 2001 in Lyon County Records.

277854

UFFICIAL RECORDS
LYON COUNTY, NEV.
RECORD REQUESTED BY
L. T.D.

02 JUN -5 PM 1:59

COUNTY RECORDER

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09 (คริเวียน) 264 of 38

APN: 012-411-01 012-421-03

WHEN RECORDED MAIL TO: MAIL TAX STATEMENTS TO: Doug Champlin P.O. Box 31450 Mesa, AZ 85275-1450 Lyon County Recorder

04 FEB 13 AM 10: 25

HARY S. ELLIGAN COUNTY RECORDER

FEE \_\_\_\_\_ DEP. \_\_\_\_

313868

### GRANT, BARGAIN AND SALE DEED

THIS GRANT, BARGAIN AND SALE DEED is made and entered into this 5th day of FEBRUARY, 2004, between JOHN R. HARRIS and CAROL C. HARRIS, husband and wife, ("Granter") and 5 C'S COTTONWOOD RANCH, LLC A NEVADA LIMITED LIABILITY COMPANY ("Grantee").

### WITNESSETH:

THAT THE SAID GRANTORS, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grant, bargain, sell and convey unto Grantees and to their heirs, successors and assigns forever, all of the following described lot, piece or parcel of land, situate, lying and being in the State of Nevada, Lyon County, described as follows: (SEE EXHIBIT "A" ATTACHED AND MADE A PART THERECE)

TOGETHER WITH, all water rights, of any legal kind or nature, including these more fully described as a portion of Claim No. 163 of the action entitled U.S.A. v. Walker River Irrigation District, in the United States District Court for the District of Nevada, Case No. C-125, together with all stored water appurtenant to the real property described herein. References made to Walker River Irrigation District Index Card No. 22850.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TOGETHER WITH, all water and water rights, ditch and ditch rights, well and well rights with the appurtenances, unto the said Grantee, and to its successors and assigns forever.

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 265 of 38

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said Grantee and to their heirs, successors and assigns forever.

IN WITNESS WHEREOF, the said Grantors have hereunto executed this Grant, Bargain and Sale Deed the day and year first above written.

Bargain and Sale Deed the day and year first above written.
By: John R Havris
JOHNR HARRIS  By: Mar
SUZANNE CHEECHOV
STATE OF
COUNTY OF Or Oracles : SS. Ho: 149-36458-5
This instrument was acknowledged before me on the 5th day of Feb., 2004 by John R. Harris and Carol C. Huris.
Motary Public
STATE OF
COUNTY OF)
This instrument was acknowledged before me on the day of
Notary Public

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 266 of 38

#### EXHIBIT "A"

#### LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of LYON COUNTY, described as follows:

#### PARCEL 1:

PARCEL 3 OF THAT CERTAIN PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER, LYON COUNTY, NEVADA ON MAY 19, 1980 AS DOCUMENT NO. 53399, LYON COUNTY OFFICIAL RECORDS.

ASSESSORS PARCEL NO. 12-421-03

#### PARCEL 2:

PARCEL 1 OF THAT CERTAIN PARCEL MAP FILED FOR RECORDED IN THE OFFICE OF THE COUNTY RECORDER, LYON COUNTY, NEVADA ON FEBRUARY 23, 1981 AS DOCUMENT NO. 60379, LYON, COUNTY OFFICIAL RECORDS

ASSESSORS PARCEL NO. 12-411-01

TOGETHER WITH ALL WATER, WATER RIGHTS, DITCH AND DITCH RIGHTS.

**TON DISTRICT** 

YERINGTON, ... VADA WALKER RIVER IRR

Division #:

Card #: Name:

Five (5) C's Cottonwood Ranch, LLC

Mesa, AZ 85275-1450 C-125, P.Wilson, Lillie

Court Decree:

P. O. Box 31450

Address:

PROVISIONAL

Lyon County No. Claim No. User # Ditch

3:7

ase

Lee Sanders

12-421-03 Pt. of 163 299

Index No.

				DAYS	ACRE FEET	FEET REQUIRED	ACRE FEET	TOPAZ RES.	BRIDGEPORT RES.			300.32
PRIORITY	C.F.S.	ACRES	YTO	STORAGE	PER ACRE	TOTAL	APPORTIONED	ACRE FEET	ACRE FEET	CLAIM #	TOTAL ACRES	CV
1861	151	9.420	4.2768			000				163	Minter CO. Annes	- C
1862	060	5.650	4.2768			000				163		
1863	060	5.650	4.2768			000.				163	Non Wir Rt. Acres	49.420
1864	060	5.650	4.2768			000.				163		7
1868	.693	43.310	4.2768			000				163	Acre Feet Storage	190.17
1869	.120	7.530	4.2768			000				163		110
1872	.866	54.140	4.2768			000				163		/IL
1875	.045	2.830	4.2768	00	.2534	.720				163		)-\
1877	.196	12.240	4.2768	÷	.3485	4.270				163		W
1879	.030	1.880	4.2768	22	769.	1.310				163		G
1890	138	8.470	4.2768	30	.9504	8.050				163		C
1903	.046	2.830	4.2768	¥.	1.0771	3.050				163		D
NEWL		61.590	4.2768	29	2.0592	126.830						00
NEWL		29.710	3.2076	<b>8</b>	1.5444	45.880						cu
EXCL		49.420				000.						m
TOTAL	2.552	300.320				9.		190.14	1.50		<b>-</b> -	lei
10000 14000 150000						11		PLUSHINGS				nt
											-13	**************************************

4/2/04 - Transferred from card #22850 - J & C Harris Contented excluded acreage

Fr. NW 1/4, Fr. NW 1/4 of SW 1/4Sec. 3; S 1/2 of NE 1/4, Fr. SE 1/4, SE 1/4 of NE 1/4, Sec. 4; Fr. W 1/2, Fr. N 1/2 of NE 1/4, Sec. 9;

T 11 N . R 25 E

John R. & Carol C. Harris, husband and wife to 5 C's Cottonwood Ranch, LLC, a Nevada Limited Liability Company Geneva ioms changed name to Geneva Bryant Geneva Bryant to John & Carol Harris. King et al to Richard & Geneva lorns. Geneva Bryant to Suzanne Darling. Geneva Bryant to Michael Stewart. Richard lorns to Geneva lorns. Richard lorns to Geneva lorns. DESCRIPTION 03/11/76 07/21/80 07/14/77 05/17/90 02/13/04 DATE 07/09/75 03/11/76 06/04/80 Exhibit 78 DOCUMENT HISTORY: SOCUMENT # #313868 #133921 #33046 #53670 #64404 #22802 #26332 #26511

650 Filed 05/09/05 Page

WRID 06/30/04

267 of 38

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 268 of 38

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-17-05

Lema F. Heinerman

LEONA THEIMERMAN

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Surviving trustee of

John/Leona Heimerman Family Trust (Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in eu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified or the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 269 of 38

3			
2	FOR THE DISTRICT (		
3	UNITED STATES OF AMERICA.	<b>)</b>	
4	Plaintiff,	<b>)</b>	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6 7	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
8	vs.	) }	
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )	
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE	
11	1. I hereby enter my appearance in this sub	tin_im this area	
12	<ol> <li>I hereby enter my appearance in this sub</li> <li>I am filing this document with the Distriction</li> </ol>	•	
13	Chief Deputy Clerk	ict Court at the following address.	
14	United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of m	v Waiver of Service of Notice in Lieu c	
17	Summons, I am mailing a copy of this document to:	, , , <u>, , , , , , , , , , , , , , , , </u>	
13	Susan L. Schneider		
19	Attorney for the United States of Americ United States Department of Justice	a	
20	Environment & Natural Resources Divis P.O. Box 756	ion	
21	Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am acti	ng) will retain all defenses or objection	
23	to the lawsuit or to the jurisdiction or venue of the court	except for objections based on a defec	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent		
26	me in these proceedings, I identify that attorney below,	along with his or her mailing address.	
7	telephone number, and facsimile number:		
8			
	NOTICE OF APPEARANCE AND INTENT TO PARTIC	EIPATE, page 1 of 2	

Case 3:73	
1	Attomey:
2	
3	Address:
4	
5	
6	Phone Number:
7	Fax Number: Leuna D. Heiminne
8	
9	(Signature)
10	1 - 11-
11	LEONA T. Heimerman (Printed or typed Name)
12	Surviving Truster
13	John/Leona Heimerma
14	Entity, if any, on whose
15	behalf you are appearing)
16	815 W. Bridge St. 768
17	<u>Verination</u> NV 89447 (Address)
18	<u>(775) 463-4937</u>
19	(Telephone number)
20	
21	
22	
23	·
24	<b>:</b>
25	
26	
27	
28	

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 271 of 38

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, 1	TES CENTER OF THE PROPERTY OF	
( Date: 3/01/05	Signature  TO SOTT HE MEATH	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 272 of 38

-		
2	IN THE UNITED STATES DI FOR THE DISTRICT O	STRICT COURT F NEVADA
3	UNITED STATES OF AMERICA.	
4	Plaintiff.	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7		
8	VS.	
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	)
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
12	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	-proceeding in this case.
2	2. I am filing this document with the Distri	
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for reman of m	y Waiver of Service of Notice in Lieu of
7	Summons. I am mailing a copy of this document to	
13	Susan L. Schneider Attorney for the United States of American	ca
19	United States Department of Justice Environment & Natural Resources Divi	
20	P.O. Box 756	
21	Littleton, Colorado 80160	:)ittin all defenses or objections
22		ing) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cou	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am acti	<del>-</del>
25	me in these proceedings. I identify that attorney below	v, along with his or her mailing address,
27	telephone number, and facsimile number:	
28		

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

### Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 273 of 38 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 164 LOWER COLONY DO X WELLINGTON (Address) 775 465 02347 (Telephone number)

### Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 274 of 38

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Liqu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/17/05	Signature Runt w. Herrin	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been aght in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service a Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the act on has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1				
2		E UNITED STATES	DISTRICT COURT OF NEVADA	
3	UNITED STATES OF AME	ERICA,	)	
4	Plaintiff,	•	)	
5	WALKER RIVER PAIUTE	TRIBE,	) ) IN EQUITY N	IO. C-125
6	Plaintiff-Inter	rvenor,	) ) SUBFILE NO.	C-125-B
7	vs.		)	
8	WALKER RIVER IRRIGAT a corporation, et al.,	FION DISTRICT,	)	
. 0	NOTICE OF A	APPEARANCE AND	INTENT TO PARTICIP	ATE
.1				
.2	-	• • •	sub-proceeding in this cas	
.з	2. I am filing the	is document with the I	istrict Court at the followi	ng address:
.4	Chief Deputy United States	Clerk District Court for the		
.5	District of I 400 South Vi Reno, Nevad	rginia Street, Suite 301		
.6	3. In the envelo	pe provided for return	of my Waiver of Service of	f Notice in Lieu o
. 7	Summons, I am mailing a co	py of this document to		
.3	Susan L. Sch			
.9	United States	the United States of Aid Department of Justice		
20	P.O. Box 756		Pivision	
21	Littleton, Col			
22			acting) will retain all defe	
23	to the lawsuit or to the jurisc	liction or venue of the	court except for objections	based on a defec
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.			
25	5. If I (or the entit	y on whose behalf l am	acting) have retained an att	torney to represen
26	me in these proceedings, I identify that attorney below, along with his or her mailing address			
7	telephone number, and facsi	mile number:		
8 2				

# Case 3:78-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 276 of 38

l l		
1	Attorney:	
2		
3	Address:	
4		
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6	Phone Number:	
7 8	Fax Number:	Hut W. Hen
9		(Signature)
10		w 1
11		Kurt W. Hervih
12		(Printed or typed Name)
13		
14		(Entity, if any, on whose
15		behalf you are appearing)
16		11 Norton Ln
17		(Address)
18		775 - 465 - 1163
19		(Telephone number)
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### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-18-05	Signature PATRICIA L: HERVIN	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that yo	u are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a fail are to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service a Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1		
2	IN THE UNITED STATES FOR THE DISTRICT	
3	UNITED STATES OF AMERICA,	)
4	Plaintiff,	)
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	)
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11		
12	1. I hereby enter my appearance in this st	1b-proceeding in this case.
13	2. I am filing this document with the Dis	trict Court at the following address:
14	Chief Deputy Clerk United States District Court for the	
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return cf	my Waiver of Service of Notice in Lieu o
17	Summons. I am mailing a copy of this document to:	
18	Susan L. Schneider	
19	Attorney for the United States of Ame United States Department of Justice	
20	Environment & Natural Resources Div P.O. Box 756	vision
21	Littleton, Colorado 80160	
22	,	cting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the co	-
24	in the Notice in Lieu of Summons or in the service of	the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am ac	ting) have retained an attorney to represent
26	me in these proceedings, I identify that attorney belo	w, along with his or her mailing address,
27	telephone number, and facsimile number:	
28		
- 10		

# Case 3:78-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 279 of 38

- 11		
1	Attorney:	
2		
3	Address:	
4		
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6	Phone Number:	
7	Fax Number:	Catricia & Alerina
8		(Signature)
9		· · ·
10		PATRICIA LIHERVIN
11		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose
]		behalf you are appearing)
16 17		<u> 11 NORTON LN.</u> WELLINGTON, NV. 8944
18		(Address)
19		(775) 465 1163 (Telephone number)
20		(Telephone number)
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### Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 280 of 38

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or ol	
or to the jurisdiction or venue of the Court except for objections based on a defect	in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons.	

### Duty to Avoid Unnecessary Costs of Service of Notice an Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. 9 a comoration, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu o 17 Summons. I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 4. 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 28

### Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 282 of 38 Attorney: Address: Phone Number: Fax Number: (Signature) Reiko Hervin (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 11 Norton Lane (Address) 465-1163 (Telephone number)

### Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 283 of 38

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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5. I (or the entity on whose behalf I am acting) will retain all de	efenses or objections to the lawsuit
or to the jurisdiction or venue of the Court except for objections based	on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons.	í

Date: 3/17/05

Signature

Betty Roxann Hi

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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-	•	
2	FOR THE DIS	TATES DISTRICT COURT
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	)
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	)
8 9	WALKER RIVER IRRIGATION DISTRICT a corporation. et al.,	
10	NOTICE OF APPEARANCE	ANI) INTENT TO PARTICIPATE
11		
12		in this sub-proceeding in this case.
13		the District Court at the following address:
14	Chief Deputy Clerk United States District Court for District of Nevada	or the
15	400 South Virginia Street, Sui Reno, Nevada 89501	te 301
16	3. In the envelope provided for re	turn of my Waiver of Service of Notice in Lieu
17	Summons, I am mailing a copy of this docum	ent to:
19 19	Susan L. Schneider Attorney for the United States	
20	United States Department of Jo Environment & Natural Resou	ustice roes Division
21	P.O. Box 756 Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf	l am acting) will retain all defenses or objectic
23	to the lawsuit or to the jurisdiction or venue o	f the court except for objections based on a defi
24	in the Notice in Lieu of Summons or in the ser	rvice of the Notice in Lieu of Summons.
25	5. : If I (or the entity on whose behalf	I am acting) have retained an attorney to represe
25	me in these proceedings. I identify that attorn	ey below, along with his or her mailing addres
27	telephone number, and facsimile number:	
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Case 3:73	TCV-00127-MMD-WGC Docume	nt 650 Filed_05/09/05 Page 285 of 38
1	Attorney:	
, 2		
3	Address:	
4		
5		
6	Phone Number:	
7   8	Fax Number:	B. Kolanii Cic
9		(Signature)
10		(Orginimo)
11		B. Roxann Hill
12		(Printed or typed Name)
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15		(Entity, if any, on whose
16		behalf you are appearing)
17		Verington NV 8941
18		(Address)
19		775-463-3243
20		(Telephone number)
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# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 286 of 38

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

# Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: 3/17/05

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lie Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asket a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneide a notice of appearance and intent to participate. Exhibit 85

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 P 7 of 38

73-c	v-00127-MMD-WGC Document 6	650 Filed 05/09/05 Page 287 of 38
-	IN THE UNITED STAT	TES DISTRICT COURT ICT OF NEVADA
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	) ) IN EQUITY NO. C-125
5	WALKER RIVER PAILTE TRIBE.	SUBFILE NO. C-125-B
6	Plaintiff-Intervenor.	
7	vs. WALKER RIVER IRRIGATION DISTRICT,	
8 )	WALKER RIVER IRRIGATION a corporation, et al.,	AND INTENT TO PARTICIPATE
10	NOTICE OF APPEARANCE	nation in this case.
11	I hereby enter my appearance i	in this sub-proceeding in this case.
12	1. I am filing this document with	the District Court at the following address:
13	- i	
14	District of Nevada  400 South Virginia Street, Su  Nevada 89501	uite 301
19	400 South Virginia 31.05. Reno, Nevada 89501	Say Waiver of Service of Notice in Lieu
1	S In the envelope provided for	r return of my Waiver of Service of Notice in Lieu
1	Summons. 1 am	HILEH 10.
	Susan L. Schneider  Susan E. Schneider  Augment for the United State	ites of America
	Environment & Natural Res	esources Division
	P.O. Box 756 Littleton, Colorado 80160	sehalf I am acting) will retain all defenses or object
	to the lawsuit or to the jurisdiction or ven	the service of the Notice in Lieu of Summons.  The healf I am acting) have retained an attorney to represent the service of the Notice in Lieu attorney to represent the service of the Notice in Lieu attorney to represent the service of the Notice in Lieu attorney to represent the service of the Notice in Lieu attorney to represent the service of the Notice in Lieu attorney to represent the service of the Notice in Lieu attorney to represent the service of the Notice in Lieu attorney to represent the service of the Notice in Lieu attorney to represent the service of the Notice in Lieu attorney to represent the service of the Notice in Lieu attorney to represent the service of the Notice in Lieu attorney to represent the service of the Notice in Lieu attorney to represent the service of the Notice in Lieu attorney to represent the service at the service attorney to represent the service attorney the service attorney to represent the service attorney to the ser
	in the Notice in Lieu of Summons of M.	have retained an attorney to repr
	5. : If I (or the entity of that	attorney below, along with his or her mailing ad
	me in these proceedings. These proceedings of the second s	er:
	28	TO PARTICIPATE, page 1 of 2
	NOTICE OF APPEARANCE AND IN	MININT TO PARTICIPATE, page 1 of 2

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 288 of 38 Attorney: Address: Phone Number: Fax Number: (Entity, if any, on whose behalf you are appearing) (Telephone number) NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 2 of 2 2 B

# Case 3:73-cv-00127-MMD-WGC Document 650 Files of Service of NOTICE IN CIEU OF SUMMONS 05 Page 289 of 38

Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in TO: the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy me. of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER, PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lacu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. which Hunewill

Date: 4-4-05

P. Hunewill . Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Fuster

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to be the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has be brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives serv The Notice in Lieu of Suramons retains all defenses and objections (except any relating to the Notice in Lieu of Suramons or to the service of the Notice

of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider v a notice of appearance and intent to participate.

#### Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 290 of 38 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA UNITED STATES OF AMERICA. 3 IN EQUITY NO. C-125 4 Plaintiff. WALKER RIVER PAILTE TRIBE. SUBFILE NO. C-125-B -Plaintiff-Intervenor, £ 7 ٧5. WALKER RIVER IRRIGATION DISTRICT. 3 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE a corporation, et al., 9 10 I hereby enter my appearance in this sub-proceeding in this case. I am filing this document with the District Court at the following address: 1. 2. Chief Deputy Clerk United States District Court for the District of Nevada 14 400 South Virginia Street, Suite 301 Reno. Nevada 89501 In the envelope provided for remm of my Waiver of Service of Notice in Lieu 15 16 3. Summons. I am mailing a copy of this document to: Susan L. Schneider Attorney for the United States of America 13 United States Department of Justice Environment & Natural Resources Division 19 P.O. Box 756 20 Littleton, Colorado 80160 I (or the entity on whose behalf I am acting) will retain all defenses or objectio: to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe 22 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. If I (or the entity on whose behalf I am acting) have retained an attorney to represe 24 rne in these proceedings. I identify that attorney below, along with his or her mailing address 25 telephone number, and facsimile number; NOTICE OF APPEARANCE AND UNITENT TO PARTICIPATE, page 1 of 2 28

### B-cv-00127-MMD-WGC Document 650 Filed-05/09/05 Page 291 of 38 Address: Phone Number: Mis Hunewill Fax Number: (Signature) (Entity, if any, on whose behalf you are appearing) (Telephone number)

### Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 292 of 38

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIDTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the warver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

	Marienn Deland	
Date: 3-18-05	Signature	
	MARIANN LEELAND	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	t you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or property. A party who waives service e Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

2.		
2	IN THE UNITED STATES I FOR THE DISTRICT	
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	)
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	)
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11 12 13 14 15 16 17 18 19 19 19 19 19 19 19 19 19 19 19 19 19	1. I hereby enter my appearance in this su  2. I am filing this document with the Dist  Chief Deputy Clerk United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501  3. In the envelope provided for return of Summons, I am mailing a copy of this document to:  Susan L. Schneider Attorney for the United States of Amer United States Department of Justice Environment & Natural Resources Div P.O. Box 756 Littleton, Colorado 80160	rica Court at the following address:
22	4. I (or the entity on whose behalf I am ac	cting) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am ac	ting) have retained an attorney to represen
26	me in these proceedings, I identify that attorney below, along with his or her mailing address	
27	telephone number, and facsimile number:	
28		

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 294 of 38

1	Attomey:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	, ,
8		Mariann Ireland
9		(Signature)
10		
11		MARIANN TRELAND
12		(Printed or typed Name)
13		
14		(Entity, if any, on whose
15		behalf you are appearing)
16		603 Hary 208
17		<u>Uprington, NV 89447</u> (Address)
18	·	<u> 175-463-4736</u>
19		(Telephone number)
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22 23 24		
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23		

### Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 295 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/17/05

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Own.

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been rught in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service ne Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in eu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

# Case 3:78-cv-00127-MMD-WGC Document 650 Filed-05/09/05 Page 296 of 38

- 1	•		
2	IN THE UNITED STATES FOR THE DISTRICT	DISTRICT COURT OF NEVADA	
3	UNITED STATES OF AMERICA.	}	
4	Plaintiff,	\(\frac{1}{2}\)	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.		
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	<b>)</b>	
10	NOTICE OF APPEARANCE AND 1	NTENT TO PARTICIPATE	
11	1. I hereby enter my appearance in this s	ub-proceeding in this case.	
12	2. I am filing this document with the Di		
13	Chief Deputy Clerk		
14	United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return o	f my Waiver of Service of Notice in Lieu o	
17	Summons, I am mailing a copy of this document to:		
13	Susan L. Schneider		
19	Attorney for the United States of Arm United States Department of Justice		
20	Environment & Natural Resources D P.O. Box 756	ivision	
21	Littleton, Colorado 80160	acting) will retain all defenses or objection	
22			
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defection of the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.  5. If I (or the entity on whose behalf I are acting) have retained an attorney to represer		
25	II.		
26	me in these proceedings, I identify that attorney be	now, along with his or her maining address	
27	telephone number, and facsimile number:		
28		<u>.                                    </u>	
	NOTICE OF APPEARANCE AND INTENT TO FA	ARTICIPATE, page 1 of 2	

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed-05/09/05 Page 297 of 38

Ŋ		
1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	Daid Meland
9		(Signature)
10		Ward Ireland
11		(Printed or typed Name)
12		(I miles of types there)
13		Owner
14		(Entity, if any, on whose
15		behalf you are appearing)
16		603 Hwy 208 Yerington, NJ. 8944+
17		(Address)
18		775-463-4730
19		(Telephone number)
20	1	
21		
22		
23	3	
24	1	
25	5	
26	6	

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 298 of 38 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy me. of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAJUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 4/4/05

Printed/Typed Name

if you are acting on behalf of any entity, identify that you are

(Title)

(Corporate, Trust, Partnership or other entity)

## Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu o Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bea the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service he Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in

of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 299

73-0	cv-00127-MMD-WGC Document 650 F	
2	IN THE UNITED STATES DI FOR THE DISTRICT O	STRICT COURT F NEVADA
3	UNITED STATES OF AMERICA.	) )
÷	Plaintiff.	) ) IN EQUITY NO. C-125
5	WALKER RIVER PAIUTE TRIBE.	
€	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	) }
8	WALKER RIVER IRRIGATION DISTRICT,	) )
9	a comporation, et al  NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
10		
	1. I hereby enter my appearance in this su	b-proceeding in this case.
12	<ol> <li>I hereby enter my appearance in a larger of the larger of t</li></ol>	rict Court at the following address
13	Chief Deputy Clerk United States District Court for the	
14	District of Nevada 400 South Virginia Street, Suite 301	
15	Reno. Nevada 89501	sservice of Notice in Lieu
16	3. In the envelope provided for return of	my Waiver of Service of Notice in Lieu
17	Summons, I am mailing a copy of this document to:	
18	Susan L. Schneider States of Ame	erica
19	United States Department of Justice Environment & Natural Resources Di	vision
20	P.O. Box 756	
21	Littleton, Colorado do 195	acting) will retain all defenses or objection
22	4. I (or the entity on whose because of the co	ourt except for objections based on a defe
23	to the lawsuit or to the jurisdiction or venue of the s	of the Notice in Lieu of Summons.
24	to the lawsuit or to the jurisdiction of the lawsuit or to the lawsu	ering) have retained an attorney to represe
25	in the Notice in Lieu of Summons of In the establishment of the sentity on whose behalf am a	land clong with his or her mailing address
26	5. If I (or the entity on whose senant a me in these proceedings. I identify that attorney be	iow, atoms
21	and facsimile number:	
2 3	3	page 1 of 2
	S OF APPEARANCE AND INTENT TO PA	ARTICIPATE, Page 1

<u> </u>	
Case 3:73-	cv-00127-MMD-WGC Document 650 Filed-05/09/05 Page 300 of 38
3	Address:
4	· •
5	
. 6	Phone Number:
7	Fax Number:
8	(Signature)
9	
10	John Pierre Ithurburg
11	(Printed or typed Name)
12	
13	1.00
14	(Entity, if any, on whose behalf you are appearing)
15	$\mathcal{D}_{\mathcal{N}} \mathcal{Z}_{\mathcal{N}} \mathcal{Z}$
16	INEllington IVV 8944
17	(Address) 775-465.2506
18	(Telephone number)
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28	B PARTICIPATE, page 2 of 2
	NOTICE OF APPEARANCE AND INTENU TO PARTICIPATE, page 2 of 2

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 301 of 38 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMON SUMMON SUMMON SERVICE OF NOTICE IN LIEU OF SUMMON SERVICE OF NOTICE OF

# Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in TO: the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrumen: (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST me. AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 120 18,2005
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# Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to be

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has t the cost of such service unless good cause be shown for its failure to sign and return the waiver. brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives ser the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice

of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought. An entity in this case who waives service must, within 60 days, as specified or the waiver form, provide the court and DOJ attorney S. Schneider a notice of appearance and intent to participate.

#### Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 302 of 38 IN THE UNITED STATES DISTRICT COURT OF NEVADA FOR THE DISTRICT OF NEVADA 2 UNITED STATES OF AMERICA. 3 IN EQUITY NO. C-125 4 Plaintiff. WALKER RIVER PAIUTE TRIBE. SUBFILE NO. C-125-B = Plaintiff-Intervenor, E 7 VS. WALKER RIVER IRRIGATION DISTRICT. 3 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE a corporation, et al.. 9 10 I hereby enter my appearance in this sub-proceeding in this case. I am filing this document with the District Court at the following address: 11 1. 12 2. Chief Deputy Clerk 13 United States District Court for the District of Nevada 14 400 South Virginia Street, Suite 301 In the envelope provided for return of my Waiver of Service of Notice in Lieu o Reno. Nevada 89501 15 15 3. Summons. I am mailing a copy of this document to: Susan L. Schneider Attorney for the United States of America 13 United States Department of Justice Environment & Natural Resources Division 19 P.O. Box 756 20 Littleton, Colorado 80160 I (or the entity on whose behalf I am acting) will retain all defenses or objection to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec 22 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. If I (or the entity on whose behalf I am acting) have retained an attorney to represen 24 rne in these proceedings. I identify that actorney below, along with his or her mailing address 25 telephone number, and facsimile number: NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2 23

Stiff der de Garante (Gerannen 1 and er an er er er		
Case 3:73-cv	-00127-MMD-WGC Docur	ment 650 Filed 05/09/05 Page 303 of 38
1	Attorney:	
2	Address:	
3	Admess.	
4		
5	Phone Number:	
7	Fax Number:	Marily Rockfulum
8		(Signature)
9		1
10		Marilyn R. Thurburw (Printed or typed Name)
11		(Printed or typed 1
12		
13		(Entity, if any, on whose
14		behalf you are appearing)
15		Mellington NV 89444
16		(Address) 775-465-2506
18		(Telephone number)
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20		, and the second se
21		
22		·
23		•
24	<b>:</b>	
25	•	
26		
27		nage 2 of 2
28	NOTICE OF APPEARANCE AND	INTENT TO PARTICIPATE, page 2 of 2

### Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 304 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) he served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

$\times$ Date: $3 - 11 - 05$	Signature My Ler	_
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify	
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	<u> </u>

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu c Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked b a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beat the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has bee rought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives servic the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice is action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider wit.

a notice of appearance and intent to participate.

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 305 of 38

<u>:</u>			
2	IN TH	HE UNITED STATES D FOR THE DISTRICT C	ISTRICT COURT OF NEVADA
3	UNITED STATES OF AM	ERICA,	)
4	Plaintiff.		) )
5	WALKER RIVER PAILT	E TRIBE.	) IN EQUITY NO. C-125
6	Plaintiff-Inte		) SUBFILE NO. C-125-B
7	vs.		) )
8	WALKER RIVER IRRIGA	TION DISTRICT	)
9	a corporation, et al.,	THON DIBTIGUE,	Ó
10	NOTICE OF	APPEARANCE AND INT	TENT TO PARTICIPATE
11	1. I hereby ente	er my appearance in this sub	-proceeding in this case.
12	2. I am filing th	nis document with the Distri	ict Court at the following address:
13	Chief Deput	y Clerk	
14	United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu		
17	Summons. I am mailing a copy of this document to:		
13	Susan L. Sch	meider	
19	Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division		
20	P.O. Box 756 Littleton, Colorado 80160		
22			ing) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. : If I (or the entity on whose behalf I am acting) have retained an attorney to represe		
26	me in these proceedings. I identify that attorney below, along with his or her mailing addres		, along with his or her mailing addres
27	telephone number, and facsimile number:		
28			
ļ	NOTICE OF APPEARAN	ICE AND INTENT TO PARTI	CIPATE, page 1 of 2

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Çase 3:73	-cy-00127-MMD-WGC Document 650 Filed_05/09/05 Page 306 of 38
1	Attomey:
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3	Address:
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. 6	Phone Number:
7	Fax Number:
8	(Signature)
9	(218uarme)
10	LAJUNG KULGE
11	(Printed or typed Name)
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14	(Entity, if any, on whose
15	behalf you are appearing)
16	65 St. RTe 208
17	× 15 St. RTe 208  (Address) Yearing tar, No. 8194
18	775-463-4241
19	(Telephone number)
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## Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 307 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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5. I (or the entity on whose behalf I am acting) will retain	in all defenses or objections to the lawsuit
or to the jurisdiction or venue of the Court except for objections	s based on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons	13 to 1

Date: 3-23-05

Signature

Lawrence f. Masini

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: tartner of

(Title

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu c Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked b a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to be the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73 cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 308 of 38

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2.	IN THE UNITED STATES D FOR THE DISTRICT O	ISTRICT COURT OF NEVADA	
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff.	) )	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.	) }	
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )	
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE	
11		r i skie sasa	
12	1. I hereby enter my appearance in this sub		
13	2. I am filing this document with the District Court at the following address:		
14	Chief Deputy Clerk		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu o	
17	Summons, I am mailing a copy of this document to:		
13	Susan L. Schneider		
19	Attorney for the United States of Anterior United States Department of Justice	•	
20	Environment & Natural Resources Divis P.O. Box 756	non	
21	Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am acti		
23			
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen		
26	me in these proceedings. I identify that attorney below, along with his or her mailing address		
27	telephone number, and facsimile number:		
28			
	NOTICE OF APPEARANCE AND INTENT TO PARTI-	CIPATE, page 1 of 2	

se 3:73	-cy-00127-MMD-WGC Do	ocument 650 Filed 05/09/05 Page 309 of 38
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11		Lnung. B. Music.
12		(Printed or typed Name)  Partner
13		
14		L+ M Family Ltd Partnersh
15		(Entity, if any, on whose behalf you are appearing)
16		11 N. Main St.
17		YERINGTON, NV 89447
18		(Address) (775) 463-2481
19		(Telephone number)
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### Case 3:73-cv-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 310 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons.

Date: 03.24.05

Signature .

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

Partner

of

acting as: \_\_\_\_\_(Title)

L & M Family Limited Partnership

(Corporate, Trus:, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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# Case 3:73-cv-00127-MMD-WGC Document 650 Filed-05/09/05 Page 311 of 38

-			
2	IN THE UNITED STATES D FOR THE DISTRICT O	DISTRICT COURT OF NEVADA	
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff.	(	
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.	)	
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )	
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE	
11	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	n-proceeding in this case.	
12	2. I am filing this document with the Distr.		
13			
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15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
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17	Summens. I am mailing a copy of this document to:		
13	Susan L. Schneider		
19	Attorney for the United States of Americ United States Department of Justice		
20	Environment & Natural Resources Divis P.O. Box 756	sion	
21	Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am acti		
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25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen		
2 E	me in these proceedings. I identify that attorney below	, along with his or her mailing address.	
7	telephone number, and facsimile number:		
8 8			
	NOTICE OF APPEARANCE AND INTENT TO PARTI	CIPATE, page 1 of 2	

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Case 3:73	" 3-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 312 of 38
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9	(Signature)
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11	(Printed or typed Name)
12	(2
13	Partner L & M Family Limited Partnership
14	(Entity, if any, on whose
15	behalf you are appearing)
16	11 N. Main St.
17	Yerington, NV 89447 (Address)
18	775-463-2904
19	(Telephone number)
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### Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 313 of 38

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	Jatricia Masini	
Date: 3/24/05	Signature	
-	Patricia K. Masini	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify tha	t you are
	acting as: Partner	of
	(Title)	<del></del>
	L & M Family Limited Partnership	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 314 of 38

-			
2		IN THE UNITED STATES I FOR THE DISTRICT	DISTRICT COURT OF NEVADA
3	UNITED ST	TATES OF AMERICA.	)
4		Plaintiff.	)
5	WAIKER	UVER PAIUTE TRIBE.	) IN EQUITY NO. C-125
6	W. ILICE	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7		1 Manthi-time, venot,	
8	VS. WALKER F	UVER IRRIGATION DISTRICT.	) }
	a corporation	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
10		NOTICE OF AFFEARANCE AND IN	ILITIO INDICATOR
11	1.	I hereby enter my appearance in this su	b-proceeding in this case.
12	2.	I am filing this document with the Dist	rict Court at the following address:
13		Chief Deputy Clerk	
14		United States District Court for the District of Nevada	
15		400 South Virginia Street, Suite 101 Reno, Nevada 89501	
16	3.	In the envelope provided for return of r	ny Waiver of Service of Notice in Lieu (
17	Summons, I	am mailing a copy of this document to:	
18		Susan L. Schneider	
19		Attorney for the United States of Americal United States Department of Justice	
2 C		Environment & Natural Resources Divi P.O. Box 756	ISION
21		Littleton, Colorado 80160	
22	4.	I (or the entity on whose behalf I am act	ting) will retain all defenses or objection
23	to the lawsui	t or to the jurisdiction or venue of the cou	rt except for objections based on a defec
24	in the Notice	in Lieu of Summons or in the service of t	he Notice in Lieu of Summons.
25	5 :	If I (or the entity on whose behalf I am act	ing) have retained an attorney to represen
25	me in these p	proceedings. I identify that attorney below	v, along with his or her mailing address
27	telephone nu	mber, and facsimile number:	
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1		
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3	Address:	
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6	Phone Number: 775.463.4526	,
7	Phone Number: 775.463.4526  Fax Number: 1, 45.26	D. 416
8		Hotricia & Musine
9		(Signature)
10		
11		Patricia K. Masini
12		(Printed or typed Name)
13		Partner L & M Family Limited
14		Partnership
15		(Entity, if any, on whose behalf you are appearing)
16		11 N. Main St.
17		Yerington, NV 89447
18		(Address)
19		(Telephone number)
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# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 316 of 38

LYON COUNTY, NEV. RECORD REQUESTED BY

APN: 010-193-18 RPTT \$975.00 WESTERN TITLE CO. INC. 04 JUN -2 PM 2: 20

WHEN RECORDED MAIL, TO: JOHN J. BRACKETT

HARY C. HILLIGAN COUNTY RECORDER

Name Street

2804 DOMINICI DRIVE FREMONT, CA 94536 FEF 15° DEP. MU

Address City,State

Zip

MAIL TAX STATEMENTS TO:

Name

JOHN J. BRACKETT

Street

SAME

Address

City,State

Zip Order

00008564-112-LJI

No.

(SPACE ABOVE THIS LINE FOR RECORDERS USE)

### GRANT, BARGAIN AND SALE DEED

THIS INDENTURE WITNESSETH: That

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, GARTH W. LAMB and SHARI L. HUMBLE-LAMB, who acquired title as SHARI HUMBLE-LAMB, husband and wife, do(es) hereby GRANT(s) BARGAIN SELL and CONVEY to JOHN J. BRACKETT, an unmarried man and to the heirs and assigns of such Grantee forever, all the following real property situated in the County of Lyon, State of Nevada bounded and described as follows:

All that real property situate in the County of Lyon, State of Nevada, described as follows:

A parcel of Land located within the Northeast ½ of Section 10, Township 11 North, Range 23 East, M.D.B.& M., more particularly described as follows:

Parcel 1A of a parcel map for FANNIN, filed for record on June 15, 2001, as File No. 262229, Official Records, Lyon County, Nevada.

TOGETHER WITH ALL WATER, WATER RIGHTS, WELL, WELL RIGHTS, DITCH AND DITCH RIGHTS APPURTENANT THERETO.

TOGETHER with all tenements, hereditaments and appurtenances, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Dated: May 27, 2004

### Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 317 of 38

Grant, Bargain and Sale Deed - Page 2 GARTHWILAMB

MININGO NIINGO Sout My Appl. Expires Nov 3, 2007 Appointment, No. 03-84610.1 Notary Public, State of Merada STATE OF NEVADA State of Nevada, County of Clark Day of Miles COUNTY OF CLASSE Before me, a notary public This instrument was acknowledged before me on Personally appeared to me to be the 20 MAYOY person whose name is subscribed in the above instrument who acknowledged that the instrument. Notary Public CAROLYN S. CHANEY **NOTARY PUBLIC** STATE OF NEVADA APPT. No. 92-0779-1

TION DISTRICT YERINGTON, LEVADA WALKER RIVER IR!

2804 Dominicl Dr. John L. Brackett 4907

O. & M. Local No. 1

Acre Feet Storage Non Wtr Rt. Acres Water De Acres TOTAL ACRES CLAIM \* 8 BRIDGEPORT RES. ACRE FEET 41.72 TOPAZ RES. ACRE FEET

41.72

41.719 41.7.19 TOTAL

2.0592 PER ACRE

63

4.2768

20.260 20.260

STORAGE DAYS

DUTY

ACRES

CFS

PRIORITY

APPORTIONED ACRE PEET

ACRE PEET REQUIRED

-02 -02 -02 -02 -02

41.73

3:73-

ase

Colony 203

10-193-18

Lyon County No.

index No.

Claim No.

User # Ditch

(10-193-10 Transferred to card #9051 - 31.28 Ac. - 24.1 Excluded & 7.18 Ac. COMMENTS: Newland)

12/28/01 - Transferred from cad #15168 - Fannin 06/17/04 - Transferred from card #28380 - Lamb 3/12/01 - Transferred from card #55802 - VGR 3/12/01 - Transferred from card #56806 - VGR 8/25/01 - Transferred from card #15170 - Fannin 10-193-06 - 20.05 Ac. excluded (sold 12/05/94) 10-193-11 - 10.43 Ac. excluded (sold 5/05/95)

Document 650

THOUSING TO THE STREET OF THE

PACISH TARMITORY		
		IVANIA III
DOCUMENT #	n ka	ULCUIT TOTAL PLANTS
#43-207	01/02/62	Caleb & Lesta Whitbeck to Donald & Dorr Stodin.
#48-106	04/09/65	Donald & Doris Sloan to Louis & Mary Core.
#03487	07/08/70	Louis & Mary Cote to Jame & June Rolph.
#09668	03/14/72	James & June Rolph to Robert & Hannan Sauca.
#33729	72/00/80	Robert Satica to Hannah Satica as sole owner.
#132873	04/27/90	Hannah Satica to Bruce & Patricia Clark. See Deed Controlled In Bake Family Trust dated 6/1/93, APN 10-193-11, 10-43 acres excluded land.
#181849	05/05/95	Bruce A. & Patricia D. Clark to Richard Laurence & Tracy Lymn Diane Commany of the Sole & separate property.
#186628	10/12/95	Bruce A. Clark & Patricia D. Clark, Husband & Wile to Fauthon D. Clark Trustee.
Ex 725037	02/16/96	Patrica D. Clark to the Patricia D. Clark 1996 I rust, Patricia D. Clark 1996 I ruston
<sub>ED</sub>	11/07/96	The Patricia D. Clark 1996 Trust to Patricia D. Clark.
#199229	11/07/96	Patricia D. Clark to VGR Limited Partnership.
#257439	02/15/01	els for Patricia D. Clark
#267462	02/15/01	- 1
#262229	06/15/01	Parcel Map for Fannin
#268422	11/13/01	Glenn D. & Tracey L. Fannin, husband and wife as John J. Brackett, an unmarried man CO
#322205	06/02/04	Garth W. Lamb & Sharl L. Humble-Lamb, who acquired time as small minimum control of the control

of 38

Card #: Name:

Division #:

Address:

Fremont, CA 94636

Court Decree

TOTAL NEWL

Parcel 1A of PM 262229

Fr. NE 1/4, Sec. 10; T 11 N - R 23 E

EGAL DESCRIPTION:

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 319 of 38

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

- Susan L. Schneider, attorney for the United States of America °O:
- 1. I acknowledge receipt of your request that I waive service of ε Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAPM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the OFIDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
  - 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy me. of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
  - 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schreider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 2 - 14 - 05

DONALD !!

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as <u>frustee</u> of

The Languer Family Trust

# Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with of appearance and intent to participate.

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 320 of 38

### WAIVER OF SERVICE OF NOTICE IN LIFU OF SUMMONS

## TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-18-05

Signature Vette Lauss

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the warver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1			
2	IN THE UNITED STATES FOR THE DISTRICT	DISTRICT COURT OF NEVADA	
3	UNITED STATES OF AMERICA,	)	
4	Plaintiff,	)	
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.	(	
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	)	
10	NOTICE OF APPEARANCE AND H	NTENT TO PARTICIPATE	
11	1. I hereby enter my appearance in this s	ub-proceeding in this case.	
12	2. I am filing this document with the Dis	trict Court at the following address:	
13 14	Chief Deputy Clerk United States District Court for the		
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	·	my Waiver of Service of Notice in Lieu of	
17	Summons. I am mailing a copy of this document to:		
18	Susan L. Schneider		
19	Attorney for the United States of Ard United States Department of Justice Environment & Natural Resources D		
20	P.O. Box 756 Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am	acting) will retain all defenses or objections	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen		
26	me in these proceedings, I identify that attorney below, along with his or her mailing address		
27	telephone number, and facsimile number:		
28			
	NOTICE OF APPEARANCE AND INTENT TO PA	RTICIPATE, page 1 of 2	

### 73-cv-00127-MMD-WGC Document 650 Filed-05/09/05 Page 322 of 38 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) 1.3 (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

### Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 323 of 38

#### WATVER OF SERVICE OF NOTICE IN LIFU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIL TE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all de	efense	es or objection	ons to the	lawsuit
or to the jurisdiction or venue of the Court except for objections based	on a c	defect in the	Notice in	Lieu of
Summons or in the service of the Notice in Lieu of Summons.	$\wedge$			

Date: 3-18-05

Signature

| Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Si

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been ught in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service to Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: فئة Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 30% 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons, I am mailing a copy of this document to 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I arn acting) will retain all defenses or objections 4 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 325 of 38

1	Attorney:	
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3	Address:	
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6	Phone Number:	
7	Fax Number:	
8		A Grande St. Musa De
9		(Signature)
10		
11		Ronnie D. Lywsonsk (Printed or typed Name)
12		(Finited of typed Name)
13		
14		(Entity, if any, on whose
1.5		behalf you are appearing)
16		P-O. BOX 68
17		<u>SMITU WV 89430</u> (Address)
18		775.465 -2221
19		(Telephone number)
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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 326 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: 3/11/05	Signature Suzanne Lexumberry
	Printed/Typed Name
	If you are acting on behalf of any entity, identify that you are
	acting as: Trustee of
	Lekumberry 2001 Trust
	(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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1 2 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 3(1) 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons, I am mailing a copy of this document to: 18 Susan L. Schneider 19 Attorney for the United States of America United States Department of Justice 20 Environment & Natural Resources Division P.O. Box 756 21 Littleton, Colorado 80160 22 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 5. me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 328 of 38

	li .	
1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	
8		Glegarne Lekumberry
9		(Signature)
10		
11		Suzanne Lekumberry
12		(Printed or typed Name)
1.3		
14		Lekumberry 2001 Trust
15		(Entity, if any, on whose behalf you are appearing)
16		P.O. Box 248
17		Smith. NV 89430
18		(Address) 775 465-2044
19		(Telephone number)
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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 329 of 38

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

# TO: Susan L. Schneider, attorney for the United States of America

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Date: 3/21/05	Signature Connic Little	
	Printed/Typed Name If you are acting on behalf of any entity, identify that you acting as:  (Title)	u are of
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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#### Case 3:73-cv-00127-MMD-WGC Document 650 Filed-05/09/05 Page 330 of 38 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 2 3 UNITED STATES OF AMERICA. 4 Plaintiff. IN EQUITY NO. C-125 5 WALKER RIVER PAILTE TRIBE. SUBFILE NO. C-125-B 6 Plaintiff-Intervenor, 7 VS. WALKER RIVER IRRIGATION DISTRICT, 8 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 9 10 I hereby enter my appearance in this sub-proceeding in this case. 11 1. I am filing this document with the District Court at the following address: 12 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Sume 301 15 Reno, Nevada 89501 In the envelope provided for return of my Waiver of Service of Notice in Lieu 16 3. Summons. I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America United States Department of Justice 19 Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 I (or the entity on whose behalf I am acting) will retain all defenses or objection to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defer 22 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represe: me in these proceedings. I identify that attorney below, along with his or her mailing address 25 telephone number, and facsimile number: 27 23

3:73-0	-cy-00127-MMD-WGC Document 650 Attorney:	0 Filed-05/09/05 Page 331 of 38
1	Attomey:	
2		
3	Address:	
4	. •	
5		
6	Phone Number:	
7	Fax Number:	
8		(Signature)
9		
10		Bonnie Little
11		(Printed or typed Name)
12		
13		
14		(Entity, if any, on whose behalf you are appearing)
15		350 Donsmore LM
16		Yevington NV 8944
17		(Address) MS-463-1445
18		(Telephone number)
19		(10.01
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28	8	page 2 of 2
	8 NOTICE OF APPEARANCE AND INTENT TO	- NWKITCTENON: Land

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed-05/09/05 Page 332 of 38

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

7-1-02	
Signature  DAOD Sittle SR  Printed/Typed Name	
If you are acting on behalf of any entity, identify that you acting as:	u are of
·	
	Printed/Typed Name If you are acting on behalf of any entity, identify that yo

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu ( Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked b a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bea the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has bee brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice i eu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

#### Case 3:73-cv-00127-MMD-WGC Document 650 Filed-05/09/05 Page 333 of 38 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 2 3 UNITED STATES OF AMERICA. 4 Plaintiff. IN EQUITY NO. C-125 5 WALKER RIVER PAILTE TRIBE. SUBFILE NO. C-125-B 6 Plaintiff-Intervenor, 7 VS. WALKER RIVER IRRIGATION DISTRICT, 8 a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 I hereby enter my appearance in this sub-proceeding in this case. 11 1. I am filing this document with the District Court at the following address: 12 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 In the envelope provided for return of my Waiver of Service of Notice in Lieu c 16 3. 17 Summons. I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America United States Department of Justice 19 Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objection 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec-23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen 25 me in these proceedings. I identify that attorney below, along with his or her mailing address telephone number, and facsimile number: 28

### -cv-00127-MMD-WGC Document 650 Filed-05/09/05 Page 334 of 38 Attorney: Address: Phone Number: Fax Number: (Signature) DAUD Little (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 350 Devemore LA Terington NV (Address) (775) 463-1445 (Telephone number)

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 335 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/28/05

Signature

David M L; +1

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Irustee

(Title)

The David M. Little Family Trust Agreement

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver

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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 336 of 38

1			
2	IN THE UNITED STATES D FOR THE DISTRICT O		
3	UNITED STATES OF AMERICA,	)	
4	Plaintiff,	) )	
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7		)	
8	VS.	<b>,</b>	
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) )	
.0	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE	
.1	I. I hereby enter my appearance in this sub-	p-proceeding in this case.	
.2	2. I am filing this document with the Distr	-	
٤.	Chief Deputy Clerk	·	
.4	United States District Court for the District of Nevada		
.5	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
.6	3. In the envelope provided for return of n	ny Waiver of Service of Notice in Lieu of	
. 3	Summons, I am mailing a copy of this document to:		
	Susan L. Schneider Attorney for the United States of Ameri		
9	United States Department of Justice Environment & Natural Resources Division		
0 !	P.O. Box 756		
1	Littleton, Colorado 80160		
2	4. I (or the entity on whose behalf I am act	ting) will retain all defenses or objections	
:3	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect		
4	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
5	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent		
6	me in these proceedings, I identify that attorney below	v, along with his or her mailing address,	
7	telephone number, and facsimile number:		
8			

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:78-cv-00127-MMD-WGC Document 650 Filed-05/09/05 Page 337 of 38

1	Attorney:	
2	·	
3	Address:	
4		
5	-	
6	Phone Number:	
	Fax Number:	
7	Pax Number.	1911
8		(Signature)
9		(Signature)
10		David M Little
11		(Printed or typed Name)
12		
13		Trustee, David M. Little Trust Family Trust Agreement
14		(Entity, if any, on whose
15		behalf you are appearing)
16		P. O. Box 128
17		Yerington, NV 89447
18		(Address) (775) 463-3003
19		(Telephone number)
20		
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23		•
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27		
28		

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 338 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

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Date: 3-28-05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Trustee

(Title)

The David Little Family Trust Agreement

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu o Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beathe cost of such service unless good cause be shown for its failure to sign and return the waiver.

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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 339 of 38

-		
2	IN THE UNITED STATES I FOR THE DISTRICT (	DISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	)
5	WALKER RIVER PAILTE TRIBE.	). IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	)
8	WALKER RIVER IRRIGATION DISTRICT,	
9	a comoration, et al.,	ý
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	I hereby enter my appearance in this sub-	p-proceeding in this case.
12	2. I am filing this document with the Distr	ict Court at the following address:
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of m	ny Waiver of Service of Notice in Lieu
<b>:</b> 7	Summons. I am mailing a copy of this document to:	
13	Susan L. Schneider	
19	Attorney for the United States of Americal United States Department of Justice	
20	Environment & Natural Resources Division P.O. Box 756	
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represe:	
25	me in these proceedings. I identify that attorney below, along with his or her mailing addres	
27	telephone number, and facsimile number:	
28		
	NOTES OF ADDRESSANCE AND INTENT TO PARTI	CTPATE, Dage 1 of 2

Case 3:7	3-cy-00127-MMD-WGC Docun	nent 650 Filed_05/09/05 Page 340 of
. 1	Attorney:	
2		
3	Address:	
4		
5		•
. 6	Phone Number:	
7	Fax Number:	
8		Done
9		(Signature)
!		
10		Sherry Little
11		(Printed or typed Name)
12		
13		Trustee, The David Little Family Trust Agreement
14		(Entity, if any, on whose
15		behalf you are appearing)
16		P. O. Box 128
17		Yerington, NV 89447
18		(Address) (775) 463-3003
19		(Telephone number)
2.0		
21		
22		
23		
24	:	
25		; ·
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38

### Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 341 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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	Karen Lomeran	
Date: 3/23/05	Signature Karen Lommori	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that yo	ou are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 342 of 38

-			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
(.)	UNITED STATES OF AMERICA.	) )	
4	Plaintiff.	) )	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.	) )	
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) )	
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE	
	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	p-proceeding in this case.	
.2	<ol> <li>I am filing this document with the Distr</li> </ol>		
13	Chief Deputy Clerk		
14	United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno. Nevada 89501		
16	3. In the envelope provided for return of n	ny Waiver of Service of Notice in Lieu (	
17	Summons. I am mailing a copy of this document to:		
1.8	Susan L. Schneider Attorney for the United States of Arrieri	ca	
19	United States Department of Justice		
20	P.O. Box 756		
21		ting) will retain all defenses or objection	
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defeat		
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24	ter (archa entity on whose behalf lam acting) have retained an attorney to represer		
25	me in these proceedings. I identify that attorney below		
25	telephone number, and facsimile number:	-	
27	telephone number, and raesame name		
28	NOTICE OF APPEARANCE AND INTEND TO FART	icipate, page 1 of 2	
	MOTICE OF APPEARANCE AND INION, 100 PART		

## Case 3:78-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 343 of 38 Attorney: Address: Phone Number: Fax Number: (Signature) Lammor. (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) WELLING TON HU (Address) (Telephone number)

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 344 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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(Corporate, Trust, Parenership or other entity)

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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 345 of 38

1			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff.	)	
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7		)	
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) }	
-	NOTICE OF APPEARANCE AND IN	ITENT TO PARTICIPATE	
10	NOTICE OF AFTEMORICE AND A		
11 12	1. I hereby enter my appearance in this su	ib-proceeding in this case.	
	2. I am filing this document with the Dist	rict Court at the following address:	
13 14	Chief Deputy Clerk United States District Court for the		
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16		ny Waiver of Service of Notice in Lieu c	
7	Summons. I am mailing a copy of this document to:		
3	Susan L. Schneider		
9	Attorney for the United States of Amer United States Department of Justice Environment & Natural Resources D.v.		
20	P.O. Box 756 Littleton, Colorado 80160		
21		al and a straight of the strai	
22		ting) will retain all defenses or objection	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec		
4	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent		
6	me in these proceedings. I identify that attorney below, along with his or her mailing address		
7	telephone number, and facsimile number:		
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ı i i			

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 346 of 38 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 20 Y)ESA WELLINGTON NV COUL (Address) (Telephone number)

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed-05/09/05 Page 347 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

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Date: 3/10/05

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Trustee

J. Mages Revocable Trust

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service he Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in a of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 348 of 38

1			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA,	·	
4	Plaintiff,		
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7	vs.		
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,		
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE	
11			
ļ	1. I hereby enter my appearance in this sub	-proceeding in this case.	
12	2. I am filing this document with the Distri	ict Court at the following address:	
13 14	Chief Deputy Clerk United States District Court for the		
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu of	
17	Summons. I am mailing a copy of this document to:		
18	Susan L. Schneider Attorney for the United States of Americ	ca	
19 20	United States Department of Justice Environment & Natural Resources Divis		
21	P.O. Box 756 Littleton, Colorado 80160		
22		ing) will retain all defenses or objections	
23	to the lawsuit or to the jurisdiction or venue of the cour	rt except for objections based on a defect	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acti	ng) have retained an attorney to represent	
26	me in these proceedings, I identify that attorney below, along with his or her mailing address,		
27	telephone number, and facsimile number:		
28			

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 349 of 38 Attorney: Address: Phone Number: Fax Number: (Signature) Ruth J. Magee (Entity, if any, on whose behalf you are appearing) (Telephone number)

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 350 of 38

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) he served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Signature

Oracle, f. Manue

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

Of

(Title)

(Corporate, Trust, Partnership or other entity)

# Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amendec Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been ight in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service in Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 351 of 38

1			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STAT	ES OF AMERICA.	
4	P	laintiff.	
5	  WALKER RIVI	ER PAIUTE TRIBE.	IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	)	
8	  W <u>A"_KE</u> R_RIVI	ER IRRIGATION DISTRICT,	
9	a corporation, et		TO DADTICIDATE
10	NC	TICE OF APPEARANCE AND INT	ENI TO PARTICIPATE
11	1. I	hereby enter my appearance in this sub	-proceeding in this case.
12	2. I	am filing this document with the Distri	ct Court at the following address:
13		Thief Deputy Clerk	
14	τ	Jnited States District Court for the District of Nevada	
15	A F	100 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. I	n the envelope provided for return of m	y Waiver of Service of Notice in Lieu of
17	Summons, I am	mailing a copy of this document to:	
13		Susan L. Schneider	
19	1	Attorney for the United States of Americanited States Department of Justice	
20	il I	Environment & Natural Resources Divi P.O. Box 756	Sioti
21	l <b>i</b>	Littleton, Colorado 80160	
22			ing) will retain all defenses or objections
23			rt except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	::		ing) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below, along with his or her mailing address		
27	telephone numb	per, and facsimile number	
28			
		T17007711999 150 717 170	TOTPATE, page 1 of 2

### cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 352 of 38 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) molligter no gayn. (Address) (Telephone number)

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 353 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose be	half I am acting) will retain all defenses or objections to the lawsuit
or to the jurisdiction or venue of the C	Court except for objections based on a defect in the Notice in Lieu of
Summons or in the service of the Noti	ce in Lieu of Summons.
3-70-25	Alterta R. A.

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the Urited States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service a Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

•			
2	FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.	)	
-	Plaintiff.	)	
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125	
5 7	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
8	vs.	<i>)</i>	
9	WALKER RIVER IRRIGATION DISTRICT,	<i>)</i> ) )	
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE	
11			
12	1. I hereby enter my appearance in this sub		
13	2. I am filing this document with the Distri	et Court at the following address:	
14	Chief Deputy Clerk United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu or	
17	Summons. I am mailing a copy of this document to:	y waiver of Service of Notice in Lieu of	
13	Susan L. Schneider		
19	Attorney for the United States of Americ United States Department of Justice	a	
20	Environment & Natural Resources Divis P.O. Box 756	ion	
21	Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am action	ng) will retain all defenses or objections	
23	to the lawsuit or to the jurisdiction or venue of the court	except for objections based on a defect	
24	in the Notice in Lieu of Summons or in the service of the	e Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am actin	g) have retained an attorney to represent	
26	me in these proceedings, I identify that attorney below,	along with his or her mailing address,	
7	telephone number, and facsimile number:		
8			
	NOTICE OF APPEARANCE AND INTENT TO PARTIC	IPATE, page 1 of 2	

# Case 3:78-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 355 of 38 Attorney: Address: Phone Number: Fax Number: (Signature) Luetta A. Mann (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

### Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 356 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PACUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 03/16/05

Signature

Davre | Marraccini

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 357 of 38

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-17-05	Signature LISA V-LANYACCINI Printed/Timed Name	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify the	at you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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1		
2	IN THE UNITED STATES DI FOR THE DISTRICT O	
3	UNITED STATES OF AMERICA.	
4	Plaintiff,	) 
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	
8 9	WALKER RIVER IRRIGATION DISTRICT.  a corporation, et al.,	
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12	2. I am filing this document with the Distri	ct Court at the following address:
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15	District of Nevada 400 South Virginia Street, Suite 301	
16	Reno, Nevada 89501	
. 7	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu of
18	Summons. I am mailing a copy of this document to	
. 9	Susan L. Schneider Attorney for the United States of Americ	a
20	United States Department of Justice Environment & Natural Resources Divis	ion
21	P.O. Box 756 Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am action	ng) will retain all defenses or objections
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26	me in these proceedings, I identify that attorney below,	along with his or her mailing address,
7	telephone number, and facsimile number:	
8.		
	NOTICE OF APPEARANCE AND INTENT TO PARTIC	CIPATE, page 1 of 2

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 359 of 38

1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	£ :-
8		Mariacene
9		(Signature)
10		,
11		Lisa Marracuni
12		(Printed or typed Name)
13		
14		(T) (i) (C)
15		(Entity, if any, on whose behalf you are appearing)
16		38 E. Parsel Ln.
17		YERINGTON, NV 89447
18		(Address) (775) 463-3454
19		(Telephone number)
20		
21		
22		
23		
24	,	
25		.•
26		
27		
II	ll	

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 360 of 38 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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2/0//05	Hatricia Masini	<b>-</b>
Date: 3/24/05	Signature	
	Patricia X. Masini ·	_
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify	that you are
	acting as: Partner	of
	(Title)	
	Masini Investments	
	(Cornorate Trust Partnership or other entity)	

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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# Case 3:73 cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 361 of 38

-	.	
2	FOR THE DISTRICT	
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	)
5	WALKER RIVER PAILTE TRIBE.	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	)
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) } }
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17	Summons, I am mailing a copy of this document to:	
13	Susan L. Schneider	
19	Attorney for the United States of Ameri United States Department of Justice	
20	Environment & Natural Resources Divi P.O. Box 756	sion
21	Littleton, Colorado 80160	
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25	5. FI (or the entity on whose behalf I am acti	ng) have retained an attorney to represen
26	me in these proceedings, I identify that attorney below	, along with his or her mailing address
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PARTI	cipare, page 1 of 2

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 362 of 38 Address: Phone Number: 775.463.4526 Fax Number: (Signature) Patricia K. Masini (Printed or typed Name) Partner Masini Investments (Entity, if any, on whose behalf you are appearing) 11 N. Main St. Yerington, NV 89447 (Address) (Telephone number)

## Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 363 of 38

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan I. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsui
or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons

Date: 3-23-05

Signature

Lawrence B. Masini

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: <u>Partner</u> of

Masini Investments
(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu c Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked be a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beat the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has bee brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice is of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

•		
2	FOR THE DISTRICT	
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	)
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125
7	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
8	vs.	
9	WALKER RIVER IRRIGATION DISTRICT.	<b>)</b>
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	1. I hereby enter my appearance in this su	b-proceeding in this case.
12 13	2. I am filing this document with the Distr	rict Court at the following address:
14	Chief Deputy Clerk United States District Court for the	
15	District of Nevada 400 South Virginia Street, Suite 301	
16	Reno, Nevada 89501	
17	3. In the envelope provided for return of n	ny Waiver of Service of Notice in Lieu o
13	Summons, I am mailing a copy of this document to:	
19	Susan L. Schneider Attorney for the United States of Ameri	ca
20	United States Department of Justice Environment & Natural Resources Divis	sion
21	P.O. Box 756 Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am act	ing) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the cour	t except for objections based on a defec
24	in the Notice in Lieu of Summons or in the service of th	ne Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am action	ng) have retained an attorney to represen
26	me in these proceedings, I identify that attorney below	, along with his or her mailing address
27	telephone number, and facsimile number:	
28		
li		

Case 3:73	CV-00127-MMD-WGC	Document 650 Filed_05/09/05 Page 365 of 38
2		
3	Address:	
4		
5		•
6	Phone Number:	
7	Fax Number:	
8		10 C
9		(Signature)
10		
11		Laur & Mrsn.
12		(Printed or typed Name)
13		tartner
14		Masini Investments
15		(Entity, if any, on whose
16		behalf you are appearing)
17		11 N. Main St. Yerington NV 89447
1		(Address)
18		(775) 463-2481
19		(Telephone number)
20		
21		
22		
23		•
24		
25		
26		
27		
il		

## Case 3 73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 366 of 38

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA. 8

> Plaintiff, In Equity No. C-125-ECR Subfile No. C-125-B

WALKER RIVER PAIUTE TRIBE.

V.

NOTICE OF CHANGE OF

Plaintiff-Intervenor.

OWNERSHIP OF WATER RIGHT

WALKER RIVER IRRIGATION DISTRICT. a corporation, et al.,

Defendants.

15 16

17

18

19

14

4

5

6

9

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11

12

The undersigned counter-defendant in the above action hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has sold or otherwise conveyed ownership of all or a portion of a water right within one or more of the categories set forth in Paragraph 3 of the Case Management Order and provides the following information:

20 21

22

23

The name and address of the party or parties who sold or otherwise conveyed 1. ownership:

24

25

Name: \$1 Mathews Family Trust Robert J. Mathews, Surviving Trustee Street or P.O. Box

26

P. O. Box 532

Exhibit 110

27

NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 1 of 3

#### Case 3 73-cy-00127-MMQ-WGC Document 650 Filed 05/09/05 Page 367 of 38 ZipCode State Town or Cir. 2 The name and address of each person or entity who acquired ownership 2. 3 Walker River Irrigatiaon District 4 Name(s) P. O. Box 820 5 Street or P.O. Box 6 89447 NVYerington 7 State ZipCode Town or City 8 Attached to or included with this notice is a copy of the (check appropriate 3. 9 box(es)): 10 КX Deed 11 Court Order 12 Other Document. by which the change in ownership was accomplished. 13 The undersigned acknowledges that any person or entity who files a Notice of 14 Change of Ownership of Water Right using this form is ultimately responsible for the accuracy 15 of this filing. Consequently, the undersigned acknowledges that any person or entity who files 16 ! " 18 19 This notice shall be sent to the following two persons: 20 Linda Lea Sharer, Chief Deputy Clerk United States District Court for the District of Nevada 21 400 South Virginia Street, Suite 301 Reno, NV 89501 22 <u> And</u> 23 Susan L. Schneider 24 United States Department of Justice P.O. Box 756 25 Littleton, CO 80160

NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 2 of 3

26

Case <sup>1</sup> 3	:7,2 <sub>F.C.V.</sub> -0.0.12,7-14.114.0-14/16.6-Dancument/6504541ed_05/09/05+Page 1968 of 3	8
2	litigation.	
3		
4	Executed this 22 nd day of FEB 200.5.	
5		
6		
7	Roby & Mathers	
8	[signature of counter-defendant]	
9		
10	Robert J Mathews	
11	[name of counter-defendant]	
12		
13	[signature, if applicable, of person acting on	
14	behalf of counter-defendant]	
15		
16	[name, if applicable, of person acting on	
17	behalf of counter-defendant]	
18		
19	P.O. Box 332 NV 89447	
20	P.O. Box 532 YERINGTON, NV 89447 [address]	
21	(175) 463-9339 [relephone number]	
22	[telephone number]	
23	•	
24		
25		
26		
27		
28	NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 3 of 3	

Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 369 of 38

RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:

Walker River Irrigation District P.O. Box 820 Yerington, NV 89447 APN 12-062-15 RPTT # 2

(Not Compared to Original)

03/07/2005

12:39 PM

Official Record
Requested By

Requested By W.R.I.D.

Lyon County - NV Mary C. Milligan - Recorder

## WATER RIGHTS QUITCLAIN DEED

THIS INDENTURE, made and entered into this Andrew day of Feb, 22.

2005, by and between the MATHEWS FAMILY TRUST, ROBERT J. MATHEWS, surviving trustee, hereinafter referred to as "Grantor," and the WALKER RIVER IRRIGATION DISTRICT, hereinafter referred to as "Grantee";

### WITNESSETH:

That the said Grantor, in consideration of the sum of TEN DOLLARS (\$10.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, does by these presents convey, transfer and quitclaim unto the Grantee, and to its successors and assigns forever, all of the rights of the Grantor to receive stored waters from Bridgeport Reservoir and to divert water from the Walker River and its tributaries, all such water rights being appurtenant to the land situate in the County of Lyon, State of Nevada, that is described in Exhibit "A" attached hereto and made a part hereof.

To have and to hold the said water rights together with the tenements, hereditaments and appurtenances thereunto belonging or appertaining and the

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed\_05/09/05 Page 370 of 38

reversion and reversions, remainder and remainders, rents, issues and profits thereof unto the Grantee, its successors and assigns, forever.

Grantee does hereby agree to assume the payment of all fees and charges that may hereafter become due and payable in respect to said water rights referred to herein.

IN WITNESS WHEREOF, the parties have executed this instrument on the day and year first above written.

**GRANTOR:** 

MATHEWS FAMILY TRUST

By: Mathews

Date: 74-22 65

SUBSCRIBED and SWORN to before me this 32 m day of #ck-waru 2005.

NOTARY PUBLIC

LERA COMPSION

Notary Public State of Nevada

Appendment Reported in Eyon County
No. 904/00/j. 14 Februs, April 5, 2005

GRANTEE::

WALKER RIVER IRRIGATION DISTRICT

Its: Chairman

Date: 3-7-05

SUBSCRIBED and SWORN to before me this <u>7th</u> day of <u>MARCH</u>, 2005.

NOTARY PUBLIC

LEAH COMPSTON

Notary Public - State of Nevada

Appointment Recorded in Lyon County
No: 93-3029-12 - Expires April 5, 2005

### **EXHIBIT "A"**

All that certain real property situate in the SW ¼ of the NW ¼, Sec. 23; T. 13 N., R. 25 E., M.D.B.&M., County of Lyon, State of Nevada, more particularly described as follows:

### Zwiebel Parcel #19:

Commencing at the northwest corner of said Section 23, proceed S 13° 03' 42" E, 1602.58 feet, to the northwest corner of Zwiebel Parcel No. 16; thence S 0° 20' W, 450.00 feet, along the westerly boundaries of Zwiebel Parcel Nos. 16, 17, & 18, to the TRUE POINT OF BEGINNING of this Parcel No. 19, which is the northwest corner; proceed thence S 89° 40' E, 290.40 feet, along the southerly boundary of Parcel No. 18 to the northeast corner of this parcel; thence S 0° 20' W, 150.00 feet, to the southwest corner of this parcel; thence N 89° 40' W, 290.40 feet, to the southwest corner of this parcel; thence N 0° 20' E, 150.00 feet, along the easterly side of a fifty foot wide public road easement, to the TRUE POINT OF BEGINNING, containing one acre, more or less.

PER NRS 111.312, THE LEGAL DESCRIPTION APPEARED PREVIOUSLY IN DEED #136762 RECORDED ON OCTOBER 19, 1990 IN LYON COUNTY RECORDS.

Lyon County No. Claim No. User # Ditch 5 O. & M. Local No. 3 Robert J. & Pauline M. Mathews, Trustees C-125, P.25; Fox Ditch Company Mathews Family Trust P. O. Box 532 Yerington, NV 89447 Court Decree: Division #: Address: Card #: Name:

Pt. 45 2438 Fox

									A Part of the last			
	,		 	DAYS	ACRE FEET REQUIRED	REQUIRED	ACRE FEET	TOPAZ RES.	TOPAZ RES. BRIDGEPORT RES.		TOTAL ACDES	10/1.1
PRIORITY	C.F.S	ACRES	Y DOLL	STORAGE	PER ACRE	TOTAL	APPORTIONED	ACRE FEET	ACRE FEET	CLAIM	INIAL PUNES	
1865	400	.350	3.2076			000				45	Water Rt. Acres	1.170
1870	900	.310	3.2076			000				45	   	
1875	.003	.260	3.2076	80	1901	.049				45	WOU THE NEW YORK	000
1880	200.	.130	3.2076	25	.594	710.				45		
1885	100	.060	3.2076	62	689	140.				45	Acre Feet Storage	.189
1890	000	.030	3.2076	8	.7128	120.				45		
4895	000	030	3.2076	32	.7603	000				45		
TOTAL	410	1,170		<b>†</b>		.189	.19	00.	18			
I EGAL DESCRIPTION:	ON:							COMMENTS				
								3/23/00 -	3/23/00 - Transferred from card #57200 - Zwiebel	m card #5720	0 - Zwiebei	
Fr. SW 1/4 of NW 1/4, Sec. 23; T. 13 N., R. 25 E.	f NW 1/4, Se 3. 25 E.	ic. 23;										

IDOCUMENT HIS TORY:		
POSTERNI	DATE	DESCRIPTION
#36-481	04/01/51	J.S. & V.G. DuPrattic & J. & Amy Zwiebel Fxcluded 17.28 acres - July 1968.
1 #51935	03/04/80	A. J. & Amy E. Zwiebol, husband and wife to Robert I. & Payline Mathews, husband and wife
#136762	10/19/90	Robert J. & Pauline Mathews, husband and wife to Robert J. & Pauline M. Mathews, Interest of the Mathews Fairing Tries.

Zwiebe! Parcel #19

Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 373 of 38 OFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY Affix R.P.T.T.S WESTERN TITLE CO. INC. APN 14-481-17 04 MAR 18 AM 9: 22 RPT \*6 Title Order No. 5111.001567 MARY C. MILLIGAN COUNTY RECORDER Escrow No. 5111001567-JH WHEN RECORDED MAIL TO: 15° OEP. MK Name and Mrs. McBee Street Address City & State MAIL TAX STATE **T\$TO:** Grantee at address above SPACE ABOVE THIS LINE FOR RECORDER'S USE Quitclaim Deed FOR A VALUABLE CONSIDER MION, receipt of which is hereby acknowledged, MICHAEL P. MCBEE AND CHEEK, MCBEE, TRUSTEES OF THE MICHAEL P. MCBEE AND CHERYL E. MCBEE REVOCABLE INVING TRUST, DATED FEBRUARY 26, 1997 hereby REMISE(S), RELEASE(S) AND FOREVER QUITCLAIM(S) to MICHAEL P. MCBEE AND CHERYL E. MCBEE HUSBAND AND WIFE, AS JOINT TENANTS that property in LYON County, Nevada, described as: Dated March 4, 2004 STATE OF NEVADA COUNTY OF On March 8, 2004 before me, the undersigned, a Notary Public in and for said State, personally appeared Michael + Checyl personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. MICHELLE PELLEGRINI WITNESS my hand and official seal Nothiny Public - State of Nevada Signature Appointment Recorded in Evon County No. 34-5132-12 - Expires September 9, 2006 Pelleari rely le

315976

Name ..

ORTC-470 4/2003

(typed or printed)

(This area for official notarial seal)

# Case 3:73-cv-00127-MMD-WGC Document 650 Filed 05/09/05 Page 374 of 38

### Legal Description

All that real property situate in the County of Lyon, State of Nevada, described as follows:

Parcel C as shown on the Parcel Map and Boundary Adjustment for Grover F. Glasner recorded in the Official Records of Lyon County, Nevada on June 22, 1992 as Document No. 152758.

315976

Document 650 Included 05/09/05 Page 375 of LYBN COUNTY, NEV. RECORD REQUESTED BY STEWART TITLE OF  03 SEP -9 PM 2: 27  HARY C. HILLIGAN COUNTY RECORDER
STEWART THILE OF
03 SEP -9 PM 2: 27
MARY C MILLIGAN
MARY C MILLIGAN
COUNTY RECORDER
FEE 5 OEP. LYL
\ \{\text{EE}_\_\_\dagger_\dag
(Space Above for Recorder's Use Only)
IN, SALE DEED
J. MCBRYDE, Surviving Joint
A de la Court Person Call
by acknowledged, does hereby Grant, Bargain Sell KEALOHA GARCIA, husband
ALDEROVANIE
ll that real property situated in the State of Nevada, bounded and described as:
RETO AND MADE A PART HEREOF
ments and appurterances thereunto belonging or in
rents, issues or profits thereof.
1 1 de mal
Quan a Mi Bry de
JUDY J/ MCBRYDE
3/28/03
3/28/03
3/28/03
3/28/03
Sides of document for Recorder's Use Only)

303780

# EXHIBIT "A" LEGAL DESCRIPTION

Order No.: 03012245MM

The land referred to herein is situated in the State of Nevada, County of LYON, described as follows:

BEING PORTIONS OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 10 NORTH, RANGE 23 EAST, M.D.B. & M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL B AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED ON DECEMBER 3, 1993, AS DOCUMENT NO. 166714, LYON COUNTY OFFICIAL RECORDS.

ASSESSOR'S PARCEL NO. 10-641-11

TION DISTRICT	.evada
<b>WALKER RIVER IRF</b>	YERINGTON,

Division #:

Jeffrey M. & Kealoha Garcia P. O. Box 1966 Gardnerville, NV 89410 Address: Card #: Name:

	G	a	Se	3	3:7	<b>3-</b>	ÇV	- <mark>08</mark>	<b>1</b> §	<b>7-N</b>	41/	1	7	WC	3(
324-B1	10-641-11		808	Plymouth											
index No.	Lyon County No.	Ciaim No.	User #	Ditch			TOTAL ACRES	Water Rt. Acres	Non Wtr Rt. Acres		Acre Feet Storage			McBryde, deceased	ard #33215 - McBryde
_	- <del>-</del>	_					AM#							McBryde,	ard #332

											<u> </u>
				DAVS	ACRE FEET	ACRE FEET REQUIRED	ACRE FEET	TOPAZ RES.	ACRE FEET TOPAZ RES. BRIDGEPORT RES.	:	_
PRIORITY	A A	ACRES	OUT.	L	PER ACRE	TOTAL	APPORTIONED	ACRE FEET		CLAIM *	<u></u> `
	#										느
NEWL		700	4.2768	69	2.0592	1.440					==
14.04		207				1 440	144	1.44	00.		

1.EGAL DESCRIPTION: 0.70 acres in W 1/2, Sec. 2; T 10 N, R 23 E. DOCUMENT HISTORY:	3:		COMMENTS: Parcel B of PM168714 01/20/04 - Removed Frank J. McBryde, deceased 01/20/04 - Transferred from card #33215 - McBryde
DOCUMENT #	DATE	DESCRIPTION	
#36.949	01/03/49	Albert & Emma Zirmerman to Manley & Elsie Bishop.	

DOCUMENT #	1	
	DAIR	DESCRIPTION
#35-848	01/03/49	Albert & Emma Zimmerman to Manley & Elsle Bishop.
#51.370	04/03/68	Manley & Elsie Bishop to Rene & Mary Ann Cardinal.
#04041#	11/06/91	Rene L. & Mary Ann Cardinal to Rene L. & Mary A. Cardinal, Trustees of the Cardinal Wellington Trust.
#158911	02/12/93	Affidavit - Death of Joint Yenant - Mary Cardinal. Deceased.
#168714	12/03/93	Parcel Map for Cardinal Wellington Trust.
#170827	04/22/94	Rene L. Cardinal, Successor Trustee of the Cardinal Wellington Trust to Frank Joseph McBryde, Trustee of the Frank Joseph McBryde trust Agreement, dated October 21, 1992.
#251142	08/11/00	Frank Joseph McBryde, Trustee of the Frank Joseph McBryde Trust Agreement, dated 10/21/92 to Frank J. & Judy J. McBryde, husband and wife as Joint Tenants
#303779	09/09/03	Affidavit - Death of Joint Tenant - Frank J. McBryde, deceased
#303780	09/09/03	Judy J. McBryde, Surviving Joint Tenant to Jeffrey M. & Kealoha Garcia, husband and wife as Joint Tenants
		WRID 06/30/04

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/21/05	Signature  Cynna Menesin  Printed/Typed Name	
	If you are acting on behalf of any entity, identify that acting as:	you are
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been ight in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service in Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 379 of 38

3	
2	FOR THE DISTRICT OF NEVADA
3	UNITED STATES OF AMERICA.
4	Plaintiff.
5	WALKER RIVER PAILTE TRIBE.  ) IN EQUITY NO. C-125
6	Plaintiff-Intervenor. ) SUBFILE NO. C-125-B
7	{
8	VS.
9	WALKER RIVER IRRIGATION DISTRICT, ) a corporation, et al., )
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-proceeding in this case.
12	2. I am filing this document with the District Court at the following address:
13	
14	Chief Deputy Clerk United States District Court for the District of Nevada
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501
16 17	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu
	Summons. I am mailing a copy of this document to:
13	Susan L. Schneider
19	Attorney for the United States of America United States Department of Justice
20	Environment & Natural Resources Division P.O. Box 756
21	Littleton, Colorado 80160
22	4. I (or the entity on whose behalf   am acting) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represer
26	me in these proceedings. I identify that attorney below, along with his or her mailing address
27	telephone number, and facsimile number:
28	
- 1	

## Case 3:73 cy-00127-MMD-WGC Document 650 Filed 05/09/05 Page 380 of 38 Attorney: Address: Phone Number: Fax Number: (Signature) MENESIN (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 2025.0000 /EUNaIDS (Address) 775-462-3901 (Telephone number)

	LYON COUNTY, NEV. RECORD REQUESTED BY
APN: 014-291-02	Randy Manesine
	04 JUN 24 PH 12: 30
RPTT: \$ 46 80	MARY C. MILLIGAH
When Recorded mail to:	COUNTY RECORDER
Ready Meneria	FEE 150 DEP. Du
Yernaha NV 89447	
Yernaha NV 89447	
Grantees Address:	Recorders Use Only
<u> </u>	Resolution 5 to 5
the real property situate in the County of Lyon, State  See Exh. 6.7 A"  TOGETHER WITH all tenements, hereditaments and appurtentary and states of professions.	of Nevada, described as follows:
appertaining, and any reversion, remainders, rents, issues or prof	
STATE OF NEVADA COUNTY OF	y som
STATE OF NEVADA COUNTY OF NEVADA LYON	
On Jone 24, 2004, before me, the undersigned, a Notary Public in and for	There & Mercani
On Jone 24, 2004, before me, the undersigned, a Notary Public in and for	See Signature)
On Jone 24, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared	There & Mercani
STATE OF NEVADA COUNTY OF Lyon  On Tune 24, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared  Grace L Menes n.	State (Signatupe)  SRACE MENTER (Signatupe)  Cype or Print Name)  Cuts Tax L
STATE OF NEVADA COUNTY OF	See Signature)
STATE OF NEVADA COUNTY OF	State (Signatupe)  SRACE MENTER (Signatupe)  Cype or Print Name)  Cuts Tax L
STATE OF NEVADA COUNTY OF	State (Signatupe)  SRACE MENTER (Signatupe)  Cype or Print Name)  Cuts Tax L
STATE OF NEVADA COUNTY OF	SKACE (Signature)  Cype or Print Name)  (Signature)

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#### EXHIBIT "A"

A percel of land located in the SE 1/4 of the NE 1/4 of Section 28, T. 14 N., R. 25 E., M.D.B.&M., in Lyon County, Nevada, and described as follows:

Beginning at the Southeast corner of the parcel from which the East on quarter corner of said Section 28 bears S. 15° 17' 20" E., 1058.86 feet: thence

N. 0° 19' 30" E., 303.11 feet; thence N. 89° 49' 20" W., 220.00 feet; thence S. 0° 19' 30" W., 302.54 feet; thence S. 89° 40' 30" E., 220.00 feet to the point of beginning

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#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAULTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waive: of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in u of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.